

UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

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MEETING

+ + + + +

THURSDAY,
OCTOBER 19, 2006

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The meeting was held in Salons 1 and 2 of the
Radisson Hotel Reagan National Airport,
2020 Jefferson Davis Highway,
Arlington, Virginia, at 8:00 a.m.,
Kevin R. O'Rell, Chair, presiding.

BOARD MEMBERS PRESENT:

KEVIN R. O'RELL	Chair
ANDREA CAROE	Vice Chair
BEA E. JAMES	Secretary
GERALD A. DAVIS	Member
RIGOBERTO I. DELGADO	Member
KEVIN ENGELBERT	Member
DANIEL G. GIACOMINI	Member
JENNIFER M. HALL	Member
HUBERT J. KARREMAN	Member
MICHAEL P. LACY	Member
JEFFREY W. MOYER	Member
NANCY M. OSTIGUY	Member
JOSEPH SMILLIE	Member
JULIE S. WEISMAN	Member

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NOP STAFF PRESENT:

KATHERINE BENHAM
MARK BRADLEY

VALERIE FRANCES

BOB POOLER

Board Specialist
Associate Deputy
Administrator
NOSB Executive
Director
Agriculture
Marketing
Specialist

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A-G-E-N-D-A

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P-R-O-C-E-E-D-I-N-G-S

8:11 a.m.

MR. O'RELL: Okay, Board members.

NOP is here. We'd like to start our final day of the October meeting for NOSB. This morning we'll be voting on the recommendations that we discussed yesterday.

Those recommendations that have not changed, there's already been thorough presentation of those. They've been posted. So we can give a brief background and then just read the recommendation and then we'll accept a motion for that recommendation and begin with voting. So. Policy development committee, Rigo?

MR. DELGADO: Good morning, Kevin.

At this point if you remember the item that we had on the table was to accept the changes for the Policy and Procedures Manual. This, as I said yesterday, these changes make - it's an ongoing effort to update annually the Policy and Procedures Manual. So at this

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1 point I would like to entertain a motion to
2 accept the updates to the Policy and
3 Procedures Manual.

4 MS. JAMES: I second.

5 MR. O'RELL: There's a motion to
6 accept the recommendations from the Policy
7 Development Committee. It's been moved and
8 seconded for a Board vote.

9 MS. CAROE: Who moved?

10 MR. O'RELL: Rigo entered it in as
11 a motion. It was seconded by Bea. Is there
12 any discussion? Hearing none, we'll take the
13 vote. Start with Mike.

14 MR. LACY: Do we need to do
15 anything about - we don't have any conflict
16 of interest on this one, do we?

17 (Laughter)

18 MR. O'RELL: No, but thank you for
19 - we all have a conflict on this one. But
20 yes, for our protocol, thank you for
21 reminding me. Before each vote I will ask if
22 there is anybody who has a conflict of

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1 interest to declare. Thank you, Mike. So
2 Mike?

3 MR. LACY: Yes.

4 MR. O'RELL: Yes. Hue?

5 MR. KARREMAN: Yes.

6 MR. O'RELL: Rigo?

7 MR. DELGADO: Yes.

8 MR. O'RELL: Gerald?

9 MR. DAVIS: Yes.

10 MR. O'RELL: Joe?

11 MR. SMILLIE: Yes.

12 MR. O'RELL: Bea?

13 MS. JAMES: Yes.

14 MR. O'RELL: Andrea?

15 MS. CAROE: Yes.

16 MR. O'RELL: Julie?

17 MS. WEISMAN: Yes.

18 MR. O'RELL: Nancy?

19 MS. OSTIGUY: Yes.

20 MR. O'RELL: Jennifer?

21 MS. HALL: Yes.

22 MR. O'RELL: Jeff?

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1 MR. MOYER: Yes.

2 MR. O'RELL: Kevin?

3 MR. ENGELBERT: Yes.

4 MR. O'RELL: Dan?

5 MR. GIACOMINI: Yes.

6 MR. O'RELL: And the Chair votes
7 yes. The motion carries with 14 yes, no
8 no's, zero no's, no abstentions. Okay.
9 Thank you, Rigo.

10 MR. DELGADO: You're welcome.

11 MR. O'RELL: We'll move on to the
12 Crops Committee Recommendations. Gerald?

13 MR. DAVIS: Okay. Okay, first
14 item on the guidance document for use of
15 compost, vermicompost processed new and
16 compost teas. We've distributed a new one
17 here that incorporates some very minor
18 textual changes, and I want to point out what
19 those changes that we made.

20 MR. O'RELL: Gerald, just a point
21 of order.

22 MR. DAVIS: Oh, am I out of order?

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1 MR. O'RELL: Well, can we start
2 with the agenda just in case somebody was
3 following and thinking that lime mud would be
4 up first?

5 MR. DAVIS: Sure. So what order
6 do you have?

7 MR. O'RELL: We have lime mud and
8 then sodium lauryl sulfate, sulfuric acid,
9 calcium.

10 MR. DAVIS: Okay. Great.

11 MR. O'RELL: Just so we're in -

12 MR. DAVIS: Thank you.

13 MR. O'RELL: - keeping order with
14 the agenda. Sorry.

15 MR. DAVIS: For the petition
16 substance lime mud, the one, we discussed it
17 yesterday, and I wanted to open it up to any
18 further discussion. Is that proper, if there
19 are any other comments from the Board on - or
20 we just?

21 MR. O'RELL: What you want to do
22 is to read the recommendation, enter the

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1 recommendation as a motion. If there's a
2 second, then we move for discussion before
3 vote.

4 MR. DAVIS: Okay.

5 MR. O'RELL: So there will be an
6 opportunity for discussion.

7 MR. DAVIS: The Crops Committee
8 recommends that the petition for lime mud to
9 be added to the national list be denied.
10 Stating that the evaluation criteria on all
11 three counts, the Crops Committee felt that
12 it did not pass the criteria on all three.
13 And that it is synthetic, and the substance
14 was rejected by a vote from entering the
15 national list because it's synthetic, it is
16 not mined in the form that it exists. Lime
17 mud is too general of a term. It includes
18 substances that differ from the material
19 produced by the petitioner. The loading rate
20 of contaminants is potentially too high as it
21 is an industrial waste product. The rule
22 prohibits the use of materials made in lime

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1 kilns per Section 205.203(c) and (d). And
2 there are wholly natural substitutes,
3 including ground limestone and ground oyster
4 shells.

5 MS. OSTIGUY: Second.

6 MR. O'RELL: Okay, I'll accept
7 that as a motion to reject lime mud for
8 listing on the national list.

9 MR. DAVIS: To reject it, yes.

10 MR. O'RELL: By Gerald and a
11 second by Nancy. Is there discussion?
12 Hearing no discussion, we'll take the vote.
13 This is a vote -

14 MR. KARREMAN: How does the vote
15 go? A yes means?

16 MR. O'RELL: A yes means that you
17 accept the recommendation not to - to reject
18 addition to the national list.

19 MS. CAROE: Read the conflicts on
20 this one.

21 MR. O'RELL: Thank you. Are there
22 any conflicts with any Board members on lime

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1 mud? Hue?

2 MR. KARREMAN: Yes.

3 MR. O'RELL: Rigo?

4 MR. DELGADO: Yes.

5 MR. O'RELL: Gerald?

6 MR. DAVIS: Yes.

7 MR. O'RELL: Joe?

8 MR. SMILLIE: Yes.

9 MR. O'RELL: Bea?

10 MS. JAMES: Yes.

11 MR. O'RELL: Andrea?

12 MS. CAROE: Yes.

13 MR. O'RELL: Julie?

14 MS. WEISMAN: Yes.

15 MR. O'RELL: Nancy?

16 MS. OSTIGUY: Yes.

17 MR. O'RELL: Jennifer?

18 MS. HALL: Yes.

19 MR. O'RELL: Jeff?

20 MR. MOYER: Yes.

21 MR. O'RELL: Kevin?

22 MR. ENGELBERT: Yes.

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1 MR. O'RELL: Dan?

2 MR. GIACOMINI: Yes.

3 MR. O'RELL: Mike?

4 MR. LACY: Yes.

5 MR. O'RELL: Chair votes yes.

6 Motion carries 14 yes, zero no's, no
7 abstentions. Okay, Gerald, if you'll take us
8 to the next recommendation on sodium lauryl
9 sulfate.

10 MR. DAVIS: The next
11 recommendation, a yes vote would be to reject
12 from addition to the national list sodium
13 lauryl sulfate.

14 MR. O'RELL: So there's a - a
15 motion has been made to recommend the
16 rejection of sodium lauryl sulfate to the
17 national list.

18 MS. OSTIGUY: Second.

19 MR. O'RELL: It's been moved and
20 seconded. Discussion?

21 MR. KARREMAN: Question. Then if
22 there's no annotation on it because I think

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1 it was being petitioned to be an active
2 ingredient, correct? Of whatever
3 formulation. But if you deny it here, what
4 about its use, I guess, as a minor inert
5 whatever. I mean, does that affect that
6 status? Because the name sodium lauryl
7 sulfate is still the same whether it's in the
8 inert category or this active.

9 MR. O'RELL: Nancy?

10 MS. OSTIGUY: If it is an inert,
11 then it's listed separately on the list as
12 under inert ingredients. So it would be
13 covered as an inert ingredient and acceptable
14 as an inert, but not as an active.

15 MR. KARREMAN: So, I don't have
16 the list memorized, but so it is specifically
17 listed under inert?

18 MS. OSTIGUY: No, it does not need
19 to be specifically listed. The way that we
20 did that was we put all List 4 inerts on the
21 national list. So if it's used as an inert,
22 which means a pesticide, then it's

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1 acceptable.

2 MS. FRANCES: Because the EPA is
3 changing the terminology on that?

4 MS. OSTIGUY: Yes, they are. Yes.

5 So actually, that brings up a question. Are
6 we going to change the wording on the
7 national list? Would that be a technical
8 correction?

9 MR. MOYER: From "inert" to
10 "other"?

11 MS. OSTIGUY: Yes, other whatever
12 it is that the EPA is using.

13 MR. BRADLEY: When they make that
14 change we will - we'll have to determine how
15 the Board's going to respond to that, but I
16 would think it would be a - it could be a
17 technical correction to correspond with
18 another legal requirement.

19 MS. OSTIGUY: Okay.

20 MR. O'RELL: Dan?

21 MR. GIACOMINI: Mr. Chairman, due
22 to the nature of the way substances are on

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1 the national list by usage, could we please
2 have included in the motion the usage that
3 it's being requested for that is being - that
4 we are rejecting? Rather than just general
5 to the subject. In the future, when someone
6 goes back to look at our -

7 MR. O'RELL: Thank you -

8 MR. GIACOMINI: - without having
9 to search through what the -

10 MR. O'RELL: That's a very good
11 point. The motion should be.

12 MR. DAVIS: It has been petitioned
13 to be added to the list as an herbicide.

14 MS. OSTIGUY: Well, could we just
15 put it as an active ingredient?

16 MR. DAVIS: For use in crops.

17 MS. OSTIGUY: Can we list it as
18 it's been petitioned as an active ingredient?
19 Because that's really what it is.

20 MR. KARREMAN: Active or inert,
21 right?

22 MR. GIACOMINI: But the petition

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1 was for as an herbicide, correct?

2 MR. DAVIS: Correct.

3 MS. OSTIGUY: You'd rather list it
4 as an herbicide?

5 MR. GIACOMINI: That's what we -

6 MR. O'RELL: That was the specific
7 use.

8 MR. GIACOMINI: That's what the -

9 MR. O'RELL: - use.

10 MR. GIACOMINI: And that's how -
11 since we need to put them on the list for a
12 use, that's what it's being reviewed for,
13 just like we have certain situations that are
14 on the list in one case, they've been
15 reviewed as something else and denied.

16 MS. OSTIGUY: Do we wish to really
17 be that specific?

18 MR. GIACOMINI: I think so.

19 MS. OSTIGUY: On everything?

20 MR. GIACOMINI: It's related to
21 the petition as the specific use that they're
22 requesting it for.

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1 MS. OSTIGUY: Again, in the past
2 what we were told by NOP is that, and again,
3 the interpretation may have differed, it may
4 differ now, but we were told that if we put
5 something on the list, it was on the list.
6 And what category it was in was less
7 important.

8 MR. O'RELL: Hue?

9 MR. KARREMAN: That would bring up
10 some problems, though, with in crops having,
11 what was it, spectrum? The antibiotic. And
12 then why isn't it in the livestock.

13 MS. OSTIGUY: Oh, I agree.

14 MR. KARREMAN: I mean, just for
15 instance. So I think we should actually -

16 MS. OSTIGUY: Hue, we argued about
17 this at the time, but that was the
18 interpretation that we were told, so I'm - if
19 that's changed, as far as I'm concerned good
20 news, but.

21 MR. GIACOMINI: Well even on this
22 last docket that is currently waiting for

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1 final there were things that were the list
2 already requested for a different use that
3 was denied by the Secretary. So I think the
4 use is important.

5 MS. OSTIGUY: Okay. I guess
6 that's how it was done before.

7 MR. O'RELL: Go ahead, Andrea?

8 MS. CAROE: Just for
9 clarification, right now we do have
10 herbicides that are soap-based on the
11 national list as well as soaps, algicides and
12 demossers. And I'm just not sure, I just
13 want you to clarify the use that's been
14 petitioned as opposed to these already listed
15 uses for soap-based. I mean, I assume sodium
16 lauryl sulfate, I mean that's a soap.

17 MS. OSTIGUY: It is a detergent.
18 If we want to be particular.

19 MS. CAROE: But it's a surfactant
20 which is a soap, right?

21 MS. OSTIGUY: No, it's a
22 detergent. A detergent is synthetic, a soap

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1 is not.

2 MR. O'RELL: What page are you on,
3 Andrea?

4 MS. CAROE: But it's on 601 which
5 is synthetic.

6 MS. OSTIGUY: I agree. It depends
7 on sort of how we want to do this. In terms
8 of why we rejected it, it was not because it
9 was a soap. It was rejected because the use,
10 if you look at that section, it is acceptable
11 to use a soap as an herbicide along
12 roadsides, next to buildings, those sorts of
13 things. This was proposed for general use on
14 crops.

15 MS. CAROE: Okay, that's important
16 now. I didn't - but - okay. That clears it
17 up, and maybe we should be specific in the
18 motion.

19 MS. OSTIGUY: Are we wanting to do
20 that? This is clarification, this is not an
21 objection. Do we want to do that on each
22 individual thing is to say specifically in

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1 the motion why we are rejecting it? If so,
2 that's how we can read the motions.

3 MS. CAROE: It's not why we're
4 rejecting - I'm sorry.

5 MR. O'RELL: It's okay, go ahead.

6 MS. CAROE: I just feel that since
7 soap-based herbicide's already on the list,
8 it might be good in the motion to explain and
9 distinguish from that already listed use.

10 MS. OSTIGUY: But it's more
11 specific on the list. It's soap-based
12 herbicides used for.

13 MS. CAROE: Right, but you're
14 rejecting the broader range use for actually
15 on the organic crops. I mean, maybe that's -
16 that's kind of what I was thinking is maybe
17 just, you know, include in the motion the
18 overall use on all -

19 MR. GIACOMINI: For general crop
20 use.

21 MS. CAROE: For general crop use,
22 yes, that sort of thing. Because I mean, I

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1 just - I don't know.

2 MR. DAVIS: The petitioner has
3 petitioned for the use of sodium lauryl
4 sulfate to be an approved synthetic to be
5 used as an herbicide for in-crop use.

6 MR. O'RELL: As an active
7 ingredient. I think we need to, in the
8 recommendation, be specific because that was
9 the petitioned use by the petitioner was for
10 an active ingredient, so I think that should
11 be included in the recommendation. So if you
12 would like to -

13 MR. DAVIS: Restate that.

14 MR. O'RELL: Restate the
15 recommendation, the motion.

16 MS. OSTIGUY: Gerry, do you want
17 me to do that?

18 MR. DAVIS: Yes, please.

19 MS. OSTIGUY: Okay. We are moving
20 to reject the listing of sodium lauryl
21 sulfate as an active ingredient on the
22 national - rejecting for placement on the

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1 national list because it is an active
2 ingredient in a soap-based herbicide whose
3 use is more general purpose on crops beyond
4 the categories on the national list.

5 MR. O'RELL: Can I make a
6 suggestion maybe that we just be more
7 specific in terms of the motion is to -

8 MS. OSTIGUY: I said to reject.

9 MR. O'RELL: To reject the
10 petitioned use as an active ingredient for
11 use in crops. And not -

12 MS. OSTIGUY: Why don't you word
13 it because I said all those, I thought.

14 MR. O'RELL: But we're adding why
15 we're rejecting it in the recommendation.
16 And I don't think we need to add why we're
17 rejecting it in the recommendation. The
18 recommendation is just to reject for the
19 specific use.

20 MS. OSTIGUY: Okay. I heard
21 differently. Why don't you make the motion
22 so you get it the way you want it?

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1 MR. O'RELL: No. Chair's going to
2 ask for somebody on the Board to make a
3 recommendation.

4 MR. DAVIS: I'll give it a try. I
5 think I understand what you mean.

6 MR. O'RELL: Thank you.

7 MR. DAVIS: The motion is to
8 reject the addition of - to the national list
9 of sodium lauryl sulfate as an active
10 ingredient for general herbicide use in
11 crops.

12 MR. O'RELL: Thank you.

13 MR. GIACOMINI: Second.

14 MR. O'RELL: Thank you.

15 MS. CAROE: Who was the second?

16 MR. O'RELL: Dan was the second.

17 So we have a motion on the floor to reject
18 sodium lauryl sulfate for the specific use in
19 crops, petitioned use.

20 MS. CAROE: Point of procedure.

21 We never - we did have a motion on the floor.

22 It was a motion that was made by Gerald and

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1 then seconded by Nancy. It needs to be
2 withdrawn.

3 MS. OSTIGUY: I withdraw my
4 second.

5 MR. O'RELL: You withdraw your
6 original -

7 MR. DAVIS: Withdraw my first
8 motion.

9 MS. CAROE: Thank you.

10 MR. O'RELL: Thank you. So we'll
11 accept your second motion is on the floor,
12 it's been moved and seconded. Is there any
13 discussion? I do have a question because a
14 comment was made yesterday about the
15 confusion and the fact that it is an inert
16 that is allowed and it's kind of ironic that
17 the committee is recommending not to use it.
18 I'm just wondering if there's a little more
19 discussion about the clarification of that?

20 MR. DAVIS: It's on the list, I am
21 told, I never checked this, that EPA List 4
22 list of inerts of minimal concern. But it is

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1 a synthetic and the Crops Committee looked at
2 it as because it is a synthetic, even though
3 it is in that List 4 category, it still needs
4 to be reviewed and decided if we are to
5 approve the use of a synthetic on a crop, an
6 organic crop, no matter where it's classified
7 on List 4. I thought that was our charge.

8 MR. O'RELL: No, thank you, I
9 appreciate the clarification for myself and
10 the public.

11 MR. KARREMAN: One other thing.

12 MR. O'RELL: Hue.

13 MR. KARREMAN: Didn't the
14 petitioner also say it's used in, like, human
15 products like shampoos and other things like
16 that? That kind of made me wonder what's so
17 -

18 MR. O'RELL: It's grass. It has
19 grass status.

20 MR. KARREMAN: So the main thing
21 is because it is synthetic and there's other
22 natural available things. Okay.

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1 MR. O'RELL: Any further
2 discussion? Mark?

3 MR. BRADLEY: Just for a point of
4 clarification, is it the intent of the Board
5 that you're going to want to prohibit its use
6 in any organic products even as an inert?

7 MR. O'RELL: No. The
8 recommendation was specific that it was for
9 an active ingredient. That's what we wanted
10 to get in the recommendation.

11 MR. BRADLEY: So if you can make
12 it clear that -

13 MR. O'RELL: That was in the
14 motion.

15 MR. BRADLEY: - not recommending
16 that as prohibited, but it's not allowed for
17 use as an active ingredient, but it's still
18 allowed for use as an inert or other
19 ingredient.

20 MR. O'RELL: Well, that's - it's
21 in the motion that was made that it was
22 specific use for an active.

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1 MR. BRADLEY: Right.

2 MR. O'RELL: Is that sufficient?

3 MR. BRADLEY: It was petitioned as
4 an active ingredient.

5 MR. O'RELL: Yes.

6 MR. BRADLEY: Just so, you know,
7 we have something in the record that says it
8 was not the intent. So we have that now.

9 MR. O'RELL: I think we have that
10 now.

11 MR. BRADLEY: I just wanted to be
12 very clear that you overtly stated that so
13 that there was no confusion later on down the
14 line.

15 MR. O'RELL: I appreciate that.

16 MR. BRADLEY: Okay. Thank you.

17 MR. MOYER: Kevin, we didn't
18 specifically mention that we are allowing it
19 as an inert in this motion because that's not
20 what the petition was for. But it's assumed
21 that since it's in the inert that that would
22 be okay. We just - the motion is to reject

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1 is an active.

2 MR. O'RELL: Correct. I think
3 that's sufficient.

4 MR. MOYER: I think so.

5 MR. O'RELL: Valerie.

6 MS. FRANCES: I'm just making an
7 observation. We've discussed that we maybe
8 should modify this form a little more and I'm
9 thinking that this form should be structured
10 to state what the petitioned use was, even a
11 space for additional comment by a commenter
12 that came up during the meeting and a final
13 recommendation so that you can offer any kind
14 of feedback to that comment and then you can
15 make your motion to what your decision is.
16 Like there's just an order so that it's clear
17 in the record, the starting point, any
18 modification and what the motion is and then
19 you can.

20 MR. DAVIS: I would agree that the
21 form we have to work with is not completely
22 clear in several ways and we've had comments

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1 from people contacting the committee saying
2 we don't understand what you meant by this.

3 MS. FRANCES: Yes.

4 MR. O'RELL: Okay, and that's
5 another subject, but I appreciate that and I
6 do think the point is that we do need
7 clarification on the form going forward. But
8 right now we have a motion on the floor that
9 we're discussing. And Dan?

10 MR. GIACOMINI: Just to further
11 clarify Mark's statement, our motion is also
12 not restricting its use as a soap-based
13 herbicide for general farm maintenance and
14 ornamental crops. It was only for the
15 request for general crop use.

16 MS. OSTIGUY: It was not
17 petitioned for what you're describing, so
18 it's not on the list. Therefore, by not
19 approving it for general use we aren't by
20 default accepting it for that specific use
21 either. For the use around buildings, et
22 cetera. That's still not okay. Wasn't

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1 petitioned for that.

2 MR. GIACOMINI: It's on the list
3 now for that. It qualifies as that on the
4 list now.

5 MS. OSTIGUY: If it is used solely
6 as a soap, yes.

7 MR. GIACOMINI: Right. Right.

8 MR. O'RELL: Okay. Any further
9 discussion?

10 MS. JAMES: I request that the
11 motion is restated just for clarity.

12 MS. CAROE: Can I restate what I
13 have?

14 MR. O'RELL: In the record? Sure.

15 MS. CAROE: Yes, because I
16 actually added the listing from the
17 regulation. The motion is to reject the
18 addition of sodium lauryl sulfate to 205.601
19 as an active ingredient for general use. Is
20 that appropriate?

21 MR. DAVIS: General use in crops.

22 MS. CAROE: Thank you.

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1 MR. O'RELL: That was your motion.
2 Okay, thank you. Any conflicts of interest?
3 Rigo?

4 MR. DELGADO: Yes.

5 MR. O'RELL: Gerald?

6 MR. DAVIS: Yes.

7 MR. O'RELL: Joe?

8 MR. SMILLIE: Yes.

9 MR. O'RELL: Bea?

10 MS. JAMES: Yes.

11 MR. O'RELL: Andrea?

12 MS. CAROE: Yes.

13 MR. O'RELL: Julie?

14 MS. WEISMAN: Yes.

15 MR. O'RELL: Nancy?

16 MS. OSTIGUY: Yes.

17 MR. O'RELL: Jennifer?

18 MS. HALL: Yes.

19 MR. O'RELL: Jeff?

20 MR. MOYER: Yes.

21 MR. O'RELL: Kevin?

22 MR. ENGELBERT: Yes.

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1 MR. O'RELL: Dan?

2 MR. GIACOMINI: Yes.

3 MR. O'RELL: Mike?

4 MR. LACY: Yes.

5 MR. O'RELL: Hue?

6 MR. KARREMAN: Yes.

7 MR. O'RELL: And the Chair votes
8 yes. The motion carries 14 yes, zero no, no
9 abstentions.

10 MR. DAVIS: The next material
11 petitioned is to add to the national list
12 sulfuric acid for use in stabilization of
13 nutrients in livestock manure. And the
14 petitioner's representative in his comments
15 yesterday was asking us to table the item and
16 give them more time to do some more studies
17 with alternate practices and/or materials.
18 So the motion I have is that we would like to
19 table this petition.

20 MS. OSTIGUY: Point of order.
21 Could I suggest that we motion to defer
22 because a table we have to specifically act

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1 to bring it back? So the motion is to defer
2 this sulfuric acid.

3 MR. DAVIS: Okay. I move that we
4 defer this item to a later date.

5 MS. OSTIGUY: Second.

6 MR. O'RELL: Andrea?

7 MS. CAROE: Let me just record
8 that. The only reason, Nancy, that I would
9 see that maybe a table is more appropriate is
10 because you're going to be considering more
11 information at the time of the vote.

12 MS. OSTIGUY: There's precedent
13 first. The Board has deferred materials that
14 we want to collect more information on
15 historically and it does not require then a
16 second motion for us to even talk about it,
17 whereas a table would require a motion so we
18 could even talk about it. Deferred, it can
19 just be put on the agenda.

20 MS. CAROE: I'm just, my only
21 worry is that the actual documents that have
22 been produced aren't the same.

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1 MS. OSTIGUY: Doesn't matter.

2 MR. O'RELL: The Chair would agree
3 with Nancy in this case. I think defer is
4 proper. So there was a second, Nancy?

5 MS. OSTIGUY: Yes.

6 MR. O'RELL: Thank you. Okay.
7 Discussion? Joe?

8 MR. SMILLIE: I'm still a little
9 confused by this. I understand we're
10 deferring it, but the petition is for a
11 material, not a process. The process is
12 stabilizing manure to hold nutrients. That's
13 the process that we're talking about.
14 There's nothing in that process that's either
15 allowed or not allowed. It's the material
16 that's being used that's in question, in my
17 understanding. So to defer the petition on
18 sulfuric acid so that they can investigate
19 citric acid, to me that would be a different
20 petition. You'd be petitioning the use of
21 citric acid for this use and not sulfuric.

22 MR. O'RELL: Nancy?

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1 MS. OSTIGUY: No. My
2 understanding, what the petitioner is
3 interested in doing is obtaining more
4 information about the alternatives that we
5 are stating are possible for this process.
6 So we still are focused on the material.
7 They're wanting additional information to see
8 if our alternatives are actually realistic.

9 MR. SMILLIE: Oh, okay. I've got
10 it.

11 MR. O'RELL: Hue?

12 MR. KARREMAN: Right, and then
13 they will come back for sulfuric acid.

14 MR. O'RELL: Yes, this is really a
15 request of the petitioner saying we want to
16 pull our petition back in response to the TAP
17 to get further information and investigation.

18

19 MR. KARREMAN: Okay.

20 MR. O'RELL: Yes, Kevin?

21 MR. ENGELBERT: I'd just like to
22 state that that isn't going to change our

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1 position on sulfuric acid, so I'm not in
2 favor of deferring. That's all.

3 MR. O'RELL: Any other discussion?

4
5 MR. KARREMAN: Just curious. I
6 mean, if there's new information and citric
7 acid is, let's just say, ineffective versus
8 sulfuric acid, wouldn't the committee look at
9 that information?

10 MR. ENGELBERT: No, not on
11 everything we looked at for what this use is.
12 It's not essential in organic production.
13 This is a company that's trying to use
14 sulfuric acid to treat manure that's not
15 standard practice. No one's clamoring for it
16 and I don't think it's appropriate for
17 production.

18 MR. O'RELL: Well, Hue, to respond
19 to your question, if there was new
20 information brought to the committee, the
21 committee would review it. It doesn't mean
22 that the outcome wouldn't be the same, but

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1 the committee would review the new
2 information brought forth by the public.
3 Andrea?

4 MS. CAROE: Once again, there's
5 nothing to lose by deferring this, even if
6 the outcome doesn't change. It's not doing
7 anything.

8 MR. ENGELBERT: Nobody dies.

9 MS. CAROE: Nobody dies.

10 (Laughter)

11 MR. O'RELL: With no further
12 discussion, is there any conflicts for
13 sulfuric acid? Hearing none, let's move to
14 the vote. This is to defer. A vote for yes
15 means to defer the petitioned -

16 MR. DAVIS: Until a later date.

17 MR. O'RELL: To a later date.

18 Okay. Gerald?

19 MR. DAVIS: Yes.

20 MR. O'RELL: Joe?

21 MR. SMILLIE: Yes.

22 MR. O'RELL: Bea?

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1 MS. JAMES: Yes.
2 MR. O'RELL: Andrea?
3 MS. CAROE: Yes.
4 MR. O'RELL: Julie?
5 MS. WEISMAN: Yes.
6 MR. O'RELL: Nancy?
7 MS. OSTIGUY: Yes.
8 MR. O'RELL: Jennifer?
9 MS. HALL: Yes.
10 MR. O'RELL: Jeff?
11 MR. MOYER: Yes.
12 MR. O'RELL: Kevin?
13 MR. ENGELBERT: No.
14 MR. O'RELL: Dan?
15 MR. GIACOMINI: Yes.
16 MR. O'RELL: Mike?
17 MR. LACY: Yes.
18 MR. O'RELL: Hue?
19 MR. KARREMAN: Yes.
20 MR. O'RELL: Rigo?
21 MR. DELGADO: Yes.
22 MR. O'RELL: And the Chair vote

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1 yes. Motion carries. We have 13 yes, 1 no,
2 zero abstentions. Gerald, now we move on to
3 calcium chloride.

4 MR. DAVIS: Calcium chloride
5 petitioned to change the annotation that
6 currently restricts it to foliar use only to
7 correct calcium deficiencies in plants. I
8 wanted to - Kevin? I'm trying to - I'd like
9 - I don't know how to, point of order, how to
10 proceed to offer a minority, what would be
11 anticipated to be a minority opinion, I
12 guess, on - that would counter this
13 recommendation.

14 MS. OSTIGUY: Point of order?

15 MR. DAVIS: How would that work?

16 MS. OSTIGUY: Shouldn't we have a
17 motion on the floor first?

18 MR. O'RELL: Yes. Yes. We need
19 to have a motion first and then open
20 discussion. And as part of discussion you
21 can enter a minority opinion.

22 MR. DAVIS: Okay. So I move that

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1 we have a vote to reject the petitioned
2 annotation change for the use of calcium
3 chloride.

4 MS. OSTIGUY: Second.

5 MR. DAVIS: I'm sorry.

6 MR. O'RELL: I was just wondering
7 in the motion if we could - it's been moved
8 and seconded, but I was wondering if we would
9 accept a friendly amendment to put the
10 specific usage for the annotation, the
11 listing, in the - 205 in the motion. Just to
12 be clear for the record.

13 MR. DAVIS: What is that?

14 MS. CAROE: It's 205.602(c).

15 MR. O'RELL: 205.602(c). Is that?

16

17 MS. CAROE: I'm missing a number.

18 No, 602(c).

19 MR. DAVIS: Okay. I move that we
20 vote to - whether or not to reject the
21 annotation as listed in Section 205.602(c)
22 calcium chloride natural brining process and

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1 prohibited for use except as a foliar spray
2 to treat a physiological disorder associated
3 with calcium uptake.

4 MS. OSTIGUY: Point of order.

5 Isn't the motion to remove it from the
6 prohibited list? That's what I believe the
7 petitioner was asking for us to do, not to
8 remove the annotation. If we remove the
9 annotation, then it's prohibited even for
10 treatment of physiological disorder for
11 calcium uptake because that would just put it
12 on the prohibited list.

13 MR. DAVIS: No, all the petition
14 is is to change the annotation.

15 MR. KARREMAN: But I think he
16 wants it to be more useful rather than be
17 totally prohibited. If it's on the
18 prohibited naturals list he doesn't want to
19 be -

20 MS. OSTIGUY: Prohibited.

21 MR. KARREMAN: Right.

22 MS. OSTIGUY: Yes. That's my -

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1 right now it's on the prohibited naturals
2 list.

3 MR. KARREMAN: Right.

4 MS. OSTIGUY: If we take the
5 annotation off, then you can't use it for
6 anything. I don't believe that that was the
7 goal.

8 MR. DAVIS: Okay. So the
9 recommendation is to leave the annotation as
10 it currently stands.

11 MS. OSTIGUY: Right, to leave the
12 annotation and to leave it on the prohibited
13 list.

14 MS. CAROE: We need to take the
15 motion off the floor and restate it.

16 MR. DAVIS: Yes. I rescind the
17 previous motion. I'd like to make a new
18 motion.

19 MR. O'RELL: Okay.

20 MR. DAVIS: That in reference to
21 calcium chloride, the calcium chloride
22 petition, the recommendation is that we leave

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1 the current annotation in Section 205.602(c)
2 as it stands currently, no change.

3 MS. CAROE: The current listing.

4 MR. DAVIS: Current listing.

5 MS. CAROE: Not the current
6 annotation. The current listing, period.
7 Correct?

8 MR. DAVIS: The correct listing.

9 MR. O'RELL: Rejecting the request
10 for the annotation change.

11 MS. CAROE: No, it's actually not
12 an annotation change. It's a removal.
13 Rejecting the removal.

14 MR. GIACOMINI: Excuse me, point
15 of clarification. Wasn't the petition to
16 match the annotation change of potassium
17 chloride, essentially?

18 MS. OSTIGUY: I think he was
19 arguing that it should be treated the same.

20 MR. DAVIS: Right, but we're
21 trying to get a clear motion on -

22 MR. GIACOMINI: I understand.

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1 MR. DAVIS: So it's clear on what
2 we're voting for.

3 MR. GIACOMINI: I understand. I
4 did not get the notion from anyone in any of
5 the discussions that it was to totally remove
6 it from the prohibited list. It was to
7 merely match the more expansive annotation of
8 potassium chloride.

9 MR. O'RELL: Do you have the
10 petition, Valerie?

11 MS. FRANCES: It's on the disk.

12 MR. DAVIS: So the petition states
13 it is to remove the prohibition for use of
14 calcium chloride as a soil applied non-
15 synthetic substance in organic crop
16 production. So that would involve removing
17 it from the prohibited naturals list in
18 function, you know.

19 MR. KARREMAN: Right, and
20 therefore if it's a natural and it's removed
21 from the prohibited naturals list, it is
22 therefore just allowed. That's what the

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1 petition is asking for.

2 MS. WEISMAN: No, it's to remove
3 prohibition of a certain - I'm sorry.
4 They're not asking for removal of the
5 prohibition, but the prohibition of that
6 specific use. Even though they use that
7 language, it's the annotation that's at issue
8 here, not the entire.

9 MR. DAVIS: And they are seeking
10 an annotation more similar to what is already
11 on the list in the instance of potassium
12 chloride.

13 MS. HALL: They're seeking to
14 expand the annotation for usage on soil
15 application.

16 MS. WEISMAN: That works.

17 MR. MOYER: That's exactly what I
18 was going to say.

19 MR. O'RELL: Okay. Jennifer?

20 MS. CAROE: Hue's got a point.
21 This is on the prohibited list. If you
22 expand the annotation to be more inclusive,

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1 you're expanding the prohibition. If this is
2 except.

3 MR. KARREMAN: No. Except for.
4 Except for annotation.

5 MR. MOYER: And you want it to say
6 specifically that it can be used for foliar
7 and soil. He's adding soil to the
8 annotation. He's not expanding it to be used
9 as anything you want. Expanding it from
10 foliar to include foliar and soil.

11 MR. KARREMAN: But nothing else in
12 crops.

13 MR. MOYER: Correct. Adding soil
14 to the annotation.

15 MR. KARREMAN: So he's adding the
16 annotation to be used as a soil amendment.

17 MR. MOYER: That's the request.
18 That was the request that was in front of our
19 committee.

20 MS. CAROE: It's the exception on
21 the prohibition.

22 MR. O'RELL: Yes, it's like a

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1 double negative. Okay.

2 MS. CAROE: I think there's four
3 or five negative exceptions.

4 MR. O'RELL: That's regulations.

5 MS. CAROE: Gerry, do you want to
6 restate the motion for me?

7 MR. DAVIS: Do I have to remove
8 the other one? Or did we ever get to that
9 point?

10 MR. O'RELL: We didn't have - we
11 don't have a current one on the floor, but
12 what I would just ask is, since this is
13 getting a little convoluted with the wording,
14 that when the person is stating the motion,
15 let's pause and take a breath before somebody
16 seconds so we don't have to go back through
17 this. So if we just make sure that we all
18 say this is the motion, we agree, because
19 we'll help where we can. Okay.

20 MR. DAVIS: This is confusing.

21 MR. O'RELL: If there's somebody
22 who wants to enter a motion I would recognize

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1 that. Jennifer?

2 MS. HALL: The Crops Committee
3 moves to reject the petition to expand the
4 existing annotation on calcium chloride to -
5 that requests to add soil application and
6 usage.

7 MR. DAVIS: Okay, let me try that.

8 MR. O'RELL: That's a motion.
9 That is a motion.

10 MS. CAROE: To reject the petition
11 to expand the existing annotation -

12 MS. HALL: To add soil
13 application.

14 MS. CAROE: To include soil
15 application.

16 MR. GIACOMINI: Mr. Chairman, in
17 the section that it's in, should we add at
18 the end of that "as an exception"?

19 MS. OSTIGUY: No, because it's
20 just expanding.

21 MR. GIACOMINI: It already states
22 that.

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1 MS. OSTIGUY: It says it expands.

2 MR. GIACOMINI: Okay.

3 MR. O'RELL: So we have a motion
4 on the floor. Is there a second?

5 MS. OSTIGUY: Second.

6 MR. O'RELL: Nancy seconds. We
7 have a motion and a second. Any discussion?

8 MR. DAVIS: One thing I wanted to
9 point out is the one reason I see for going
10 through all these very specific wordings is
11 that to remove it from the prohibited natural
12 list altogether, which would make it an
13 allowed natural for all usage, would allow
14 different things such as using it as a cotton
15 defoliant and herbicide. Not that that
16 doesn't have merit, but we didn't - that's
17 not what the petition was for. They're
18 specifically asking for adding soil uses, not
19 opening up every possible use of the
20 material.

21 MR. O'RELL: Dan?

22 MR. GIACOMINI: When - I'm not by

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1 any means a soil expert, and I don't know the
2 differences in usages of these products, but
3 I do know that high levels of potassium is
4 one of the things that we're going to be
5 dealing with in soils down the road and if
6 this is a reasonable alternative to that I
7 think it would certainly - it certainly has
8 merit.

9 MR. O'RELL: Joe? And then Hue.

10 MR. SMILLIE: My position is that,
11 and it's going to be difficult to vote
12 because what we have to consider also is the
13 restriction placed currently on potassium
14 chloride derived from a main source and
15 applied in a manner that minimizes chloride
16 accumulation in the soil. So if this ever
17 did move forward, it would have to have that
18 same type of restriction. I think that it is
19 basically patently unfair to allow the use of
20 muriate potash, potassium chloride, and not
21 allow the use of calcium. That doesn't
22 necessarily mean I'm for the use of calcium.

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1 It just means that I think that the current
2 use of muriate is not in the best interest of
3 the organic community. So I'm not sure how
4 to deal with that conflict. It's not so much
5 that I'm probably calcium chloride, it's more
6 that I'm anti potassium chloride in its
7 current listing. But I just wanted to point
8 out that as we move forward we would have to
9 - if this material was ever considered, it
10 would have to have the same restrictions on
11 it that potassium chloride has.

12 The use as a calcium chloride is
13 different than potassium chloride. Potassium
14 chloride is used basically as a, you know,
15 mainstream fertilizer to crank potassium into
16 the soil. Calcium chloride is really used as
17 a kind of a desalination, you know, for heavy
18 alkaline soils where it's hard to get
19 calcium. You can't use - gypsum is awful
20 slow sometimes and a small, you know, amount
21 of calcium chloride can get you through some
22 short-term calcium problems until the gypsum

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1 can take effect in the long-term soil
2 application. So I'm somewhat conflicted on
3 this issue, but I just wanted to point out
4 that, you know, potassium chloride is an
5 issue for me on considering calcium chloride.

6 MR. O'RELL: I have Hue, then
7 Nancy.

8 MR. KARREMAN: I'd agree with Joe
9 on the discrepancy or inconsistency with
10 potassium chloride and also that there are
11 salty soils in the West, like Nevada, Arizona
12 and whatnot that might find this useful. And
13 it is a natural material, and it is a
14 national program, so we've got to consider
15 those other areas.

16 MR. O'RELL: Nancy?

17 MS. OSTIGUY: Two things. One is
18 because there is a material that we might
19 dislike more that's on the list does not mean
20 that we should add something that is better
21 just because it's better than what we
22 dislike. That material maybe ought to be

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1 petitioned to be removed completely so that
2 it - or the annotation removed so that it's
3 just a prohibited natural. We've sort of
4 dealt with the same thing when we dealt with
5 moxidecton where there was another material
6 on the list that was efficacious but not as
7 desirable, and did we want to put a second
8 material on the list, et cetera. So it's
9 similar argument that we have with
10 moxidecton. This material really ought to be
11 evaluated on its own.

12 In terms of the speed of release
13 of calcium, the underlying goal of the
14 Organic Management Plan is supposed to be to
15 have good soil quality. And so speedy
16 release of a nutrient is not a goal,
17 especially when you're talking about
18 something that has particular problems.

19 MR. O'RELL: Kevin?

20 MR. ENGELBERT: And I understand
21 what you're saying, Joe, and I agree, but
22 we're also along those same lines being

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1 allowed as a folient or foliar feeding it is
2 able to correct these deficiencies and still
3 give time for that soil to be built up in a
4 manner more in keeping with organic
5 principles.

6 MR. SMILLIE: I do agree with you,
7 Nancy, thank you for that perspective and
8 Kevin. I'm in agreement with you both, but I
9 just wanted to raise that issue. But I'm in
10 agreement.

11 MR. O'RELL: Any other discussion?

12

13 MR. DAVIS: I had one other point
14 to make, just in a general nature being that
15 this is a natural material as produced,
16 natural brining process, that the committee
17 did vote saying that we felt that it did not
18 satisfy any of the criteria, but that in some
19 - in my opinion in some ways that was rather
20 subjective, you know, when it comes to the -
21 we answered some of the questions like on the
22 environmental impact of it as a yes and no.

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1 Yes at higher rates there probably would be
2 significant chloride leaching through the
3 soil profile and where does that go. But at
4 lower rates is that a significant effect? So
5 it's kind of a yes and no, maybe type of
6 level. And I wanted to propose the idea at
7 least that because it is a natural and it is
8 a - I see it as a fairly limited use material
9 that would not really make a lot of sense
10 other than in certain areas of the West that
11 because for a lot of the country maybe we
12 disagree with using the material, wouldn't
13 fit for our area, doesn't make any sense, but
14 rather than just vote against it, to approve
15 it. The idea would be to approve it, this
16 petition, to allow growers in those areas
17 where they could make use of this tool to
18 decide whether they want to or not. And let
19 them make the decision on using it the right
20 way so it's not detrimental, but it's
21 actually helpful. It could be an extra tool
22 that some growers could use in certain

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1 situations. I don't know if that helps or
2 not, but.

3 MR. O'RELL: Okay. Is there any
4 additional discussion? And we will have
5 Andrea read the motion that's on the floor
6 before we vote. Any additional discussion?
7 So that everybody's clear on it, because
8 there's been a lot of discussion, confusion
9 about this material. Andrea, could you read
10 the motion that's on the floor?

11 MS. CAROE: Sure. The motion is
12 to reject the petition to expand the existing
13 annotation to include soil applications.

14 MR. O'RELL: Any conflict of
15 interest? Hearing none, we'll begin with
16 Joe.

17 MR. SMILLIE: Abstain.

18 MR. O'RELL: Bea?

19 MS. JAMES: Yes.

20 MR. O'RELL: Andrea?

21 MS. CAROE: Abstain.

22 MR. O'RELL: Julie?

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1 MS. WEISMAN: Yes.
2 MR. O'RELL: Nancy?
3 MS. OSTIGUY: Yes.
4 MR. O'RELL: Jennifer?
5 MS. HALL: Yes.
6 MR. O'RELL: Jeff?
7 MR. MOYER: Yes.
8 MR. O'RELL: Kevin?
9 MR. ENGELBERT: Yes.
10 MR. O'RELL: Dan?
11 MR. GIACOMINI: No.
12 MR. O'RELL: Mike?
13 MR. LACY: Yes.
14 MR. O'RELL: Hue?
15 MR. KARREMAN: No.
16 MR. O'RELL: Rigo?
17 MR. DELGADO: Yes.
18 MR. O'RELL: Gerald?
19 MR. DAVIS: No.
20 MR. O'RELL: The Chair will
21 abstain.
22 MS. CAROE: Eight yes's, three

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1 no's, three abstentions. Motion passes.

2 MR. O'RELL: So the motion passes.

3 MS. CAROE: Eight yes's, three
4 no's, three abstentions, no abstentions with
5 the majority, so the motion passes.

6 MR. O'RELL: Okay. And lastly
7 Gerald we have compost tea.

8 MR. DAVIS: Do I have to make the
9 motion before we can talk about the changes
10 that we made to the document?

11 MR. O'RELL: Oh. You can enter in
12 as background the changes that were discussed
13 from the previous motion or recommendation
14 that was posted.

15 MR. DAVIS: Right. From the
16 posted version of the document, the guidance
17 document for use of compost, vermicompost,
18 processed manure and compost tea, the changes
19 that were made in Section - these are based
20 on comments received, the changes that were
21 made. In the definition section for
22 composting - okay. The previous - the change

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1 we made is a process in which organic matter
2 of plant and/or animal origin is managed to,
3 instead of the word "promote" we inserted
4 "achieve." So managed to achieve aerobic
5 decomposition, not just promote aerobic
6 decomposition. Just a one-word change there.

7 And on the recommendation section,
8 Item 1, "Compost in addition to that
9 described in Section 205.203(c)(2) is
10 acceptable, (I) made from only allowed
11 feedstock materials." Based on comments
12 received, we agreed with striking the
13 parentheses statement that says "incidental
14 residues are allowed only if they will not
15 lead to contamination," agreeing with the
16 commenters that that is covered in other
17 areas and this is redundant to be restating
18 it and just would lead to more confusion on
19 what is intended. So that the new
20 recommendation is "Compost in addition to
21 that described in Section 205.203(c)(2) is
22 acceptable if, (I) made from only allowed

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1 feedstock materials, (ii) the compost pile is
2 mixed or managed to ensure that all of the
3 feedstock heats to the minimum of 131 degrees
4 Fahrenheit, 55 degrees C for the minimum time
5 of three days."

6 The last change, also based on
7 comments received, Item 4 of the
8 recommendation section, "Compost teas must be
9 made with potable water. Equipment used to
10 prepare compost tea must be sanitized before
11 use with a sanitizing agent as defined by 21
12 C.F.R. ' 178.1010," the addition is beginning
13 after that. It would be, comma, using
14 allowed materials found on the national list,
15 period. And that's the only changes to the
16 document.

17 MR. O'RELL: Andrea?

18 MS. CAROE: I appreciate the
19 changes that were made. However, in Number 2
20 under the recommendations you also have the
21 language "will not contaminate." It's
22 inconsistent now with Number 1. It was put

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1 in both places?

2 MR. DAVIS: Oh yes, that needs to
3 be struck too.

4 MS. CAROE: And then also in
5 Number 4 the recommendation, I thought the
6 second sentence was going to be "Compost tea
7 must be made with." Is that a rejected
8 change, or is this an oversight?

9 MR. DAVIS: Oh, that was one that
10 we didn't get written down, that's all. That
11 is a good -

12 MS. CAROE: Can you pen and ink
13 this recommendation?

14 MR. KARREMAN: Although I think,
15 Andrea, didn't he say that since this is just
16 a guidance document you can't say "must"?

17 MS. CAROE: You can say "must."
18 You just can't - it's not - you can't -

19 MR. O'RELL: You can say "must,"
20 but it's not -

21 MS. CAROE: Binding.

22 MR. O'RELL: It doesn't have the

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1 enforcement of the law.

2 MR. DAVIS: So in that section,
3 Item 4 under recommendations, Andrea's
4 talking about the sentence, that's the third
5 sentence. "Compost tea must be made with
6 compliant compost or vermicompost using the
7 NOSB recommendation for compost and
8 vermicompost mentioned above and as defined
9 in Section 205.203(c)(2) of the NOP rule."
10 So that we are striking the word "should" and
11 changing it to "must."

12 And the other section, in
13 recommendation section Item 2, "Vermicompost
14 is acceptable if, (I) made from only allowed
15 feedstock materials, period." We'll strike
16 "except for incidental residues that will not
17 lead to contamination."

18 MS. CAROE: So, I'm sorry, I
19 missed that Gerald. You're striking?

20 MR. DAVIS: In the recommendation
21 section Item 2, "Vermicompost is acceptable
22 if, (I) made from only allowed feedstock

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1 materials, period." We are striking the
2 words "except for incidental residues that
3 will not lead to contamination" because it's
4 redundant. It's already covered elsewhere.

5 MR. O'RELL: And after - Gerald,
6 where you said (I) made from only allowed
7 feedstock material, comma. Sorry, but commas
8 make differences here.

9 MR. GIACOMINI: You have (ii)
10 coming up.

11 MR. DAVIS: Oh, that's true, that
12 is a comma because there's more. True. So
13 those are the changes and I move that we vote
14 on accepting this for submission to the
15 program as a guidance document.

16 MS. HALL: Second.

17 MR. O'RELL: Okay, it's been moved
18 and seconded to accept the recommendations
19 from the Crops Committee on the guidance
20 document for use of compost, vermicompost,
21 processed manure and compost teas. Everybody
22 has a revised version that was given out this

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1 morning. We've made some changes to that. I
2 want to make sure everybody's clear on what
3 those changes are. And part of discussion, I
4 think we're going to have some questions.
5 Valerie, have you made the changes? Can you
6 make those?

7 MS. FRANCES: This is only a PDF
8 because I merged three documents into a PDF
9 and didn't bring the original three.

10 MR. O'RELL: All right. Got it.
11 Got it. Okay.

12 MS. FRANCES: Sorry. I'll work on
13 that.

14 MR. O'RELL: Joe? You had a
15 question?

16 MR. SMILLIE: Point of
17 information. I think it's a great document.
18 I'm very excited that we've gotten this out,
19 but I really need to know if there's anyone
20 who can clarify what an angled wedge system
21 is. I have no idea and I used to do a fair
22 bit of composting.

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1 MR. DAVIS: That's a worm casting.

2 MR. SMILLIE: Is it a mechanical
3 device? Is it a digester?

4 MR. DAVIS: It's a structure of
5 how they do their windrows or whatever you
6 call it. It's the way they shape their
7 piles. And that's all I know about it.

8 MR. SMILLIE: Well, if that's
9 accurate, that's good enough. I just don't
10 want to vote for something if I don't know
11 what it is.

12 MR. O'RELL: Emily?

13 MS. ROSEN: Emily Brown Rosen.
14 That was my question and my comment too and I
15 Googled it at one point and it described it
16 as a windrow that you make the compost in and
17 then they keep adding new materials to one
18 side. And so the windrow becomes angled over
19 time, and then they take it, I guess they
20 take it from one side as more mature than the
21 other. But I thought that was a little vague
22 as far as what, you know, there's a timeline.

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1 Anyway.

2 MR. SMILLIE: Well, at least I
3 know -

4 MS. ROSEN: That's what that is.

5 MR. SMILLIE: Good enough.

6 MR. O'RELL: Thank you Emily.

7 Bea?

8 MS. JAMES: I'm a little
9 uncomfortable with moving forward on voting
10 with this document because I feel that in all
11 honesty as Chair that I'm not sure that the
12 document has been thoroughly reviewed and I
13 want to feel comfortable that the Crops
14 Committee really has reviewed and looked at
15 all of the changes that are in this document.

16 And I think that the Board still has a lot
17 of questions about exactly what some of the
18 things are that are in this guidance document
19 and that perhaps we need to have more
20 discussion before we vote.

21 MR. O'RELL: Nancy?

22 MS. OSTIGUY: I'm not quite sure

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1 what substantial changes occurred between
2 when the committee voted on this and today
3 that we've not had it in front of us. If
4 people want to defer it because for whatever
5 reason, that's different, but we haven't done
6 much in the way of changes.

7 MR. O'RELL: Andrea?

8 MS. CAROE: I agree with what
9 Nancy says, that the changes that were made
10 were oversights, but they were based on the
11 changes that Gerald already made on the
12 document. This is a guidance document. This
13 isn't rule change. And I think the intent is
14 maintained from the original intent, it was
15 just a bit of housekeeping to get that issue
16 that was deleted in the one section deleted
17 on the other section and the "should" to
18 "must." This is a guidance document. That
19 doesn't have a whole lot of change in itself.

20 MR. KARREMAN: The other thing is
21 public commenters didn't have much confusion
22 or problems with it and they've been waiting

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1 five, six years or whatever, so I would
2 respectfully disagree.

3 MR. O'RELL: I agree with Hue and
4 with Andrea and with what Nancy had alluded
5 to. The changes that have been made are not
6 substantive to the material, to content, the
7 intent of the document. They've been
8 housekeeping, as it's been called, changes.
9 Some of them have been based on discussion
10 from the Board which is our job to do and the
11 other was from input from public comment.
12 Rigo?

13 MR. DELGADO: I also want to add
14 that we've been working on this document for
15 several years so we've had enough time to
16 review it and, yes, we do need to add some
17 clarifications and whatever, but I don't
18 think it changes the whole spirit and intent
19 of the document.

20 MR. O'RELL: I guess I would just
21 say that I want to be sure that we're clear
22 on the changes that we've made and that those

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1 changes have been recorded here. Andrea,
2 have?

3 MS. CAROE: Pen and inked them in.

4 MR. O'RELL: You've inked them in.

5 Gerald, you have those changes in front of
6 you. So if there's any questions about what
7 we're voting on, the recommendation, we have
8 an updated form here, but there have been a
9 couple of changes. I would ask that we go
10 through those one more time just to be clear.

11 MR. DAVIS: Okay. First page,
12 under the definition section, composting, we
13 changed one word in the first sentence.

14 Well, there is only one sentence, excuse me.

15 "A process in which organic matter of plant
16 and/or animal origin is managed to achieve,"
17 the word "achieve" was substituted instead of
18 "promote." So that was a change from what
19 was posted for public comment. It's already
20 on the document we passed out this morning.

21 MR. O'RELL: Right.

22 MR. DAVIS: Second page,

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1 recommendation section, Item 1, "Compost in
2 addition to that described in Section
3 205.203(c)(2) is acceptable if (I) made from
4 only allowed feedstock materials." That is
5 how your document you're looking at reads.
6 What we have removed from the posted version
7 on the website for public comment is the
8 parenthetical phrase "Incidental residues are
9 allowed only if they will not lead to
10 contamination."

11 Same page, well no, it's not the
12 same page. Page 3 under the recommendations
13 section, Item 4.

14 MR. O'RELL: Oh, there was a
15 change in recommendation Number 2.

16 MR. DAVIS: Oh yes. In Item 2 of
17 the recommendation section vermicompost is
18 acceptable if, (I) made from only allowed
19 feedstock materials. Again to be consistent
20 with the previous we deleted "except for
21 incidental residues that will not lead to
22 contamination."

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1 Item Number 4, "Compost teas must
2 be made with potable water. Equipment used
3 to prepare compost teas must be sanitized
4 before use with a sanitizing agent as defined
5 by 21 C.F.R. ' 178.1010. And what we added
6 was, comma, using allowed materials found on
7 the national list.

8 MS. CAROE: Keep going, there's
9 one more. Next sentence.

10 MR. DAVIS: Oh also, next sentence
11 in compost tea, we deleted "should," the word
12 "should," and changed it to "Compost tea must
13 be made with compliant compost or
14 vermicompost."

15 MR. O'RELL: Okay, thank you.
16 It's been moved and seconded that we accept
17 the recommendation from the Crops Committee
18 as revised and discussed. And there was a
19 second. We've had discussion. We'll call
20 the vote. Is there any conflicts with
21 compost tea? We're voting to accept this as
22 a guidance document, yes. And we'll begin

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1 the voting with Bea.

2 MS. JAMES: Yes.

3 MR. O'RELL: Andrea?

4 MS. CAROE: Yes.

5 MR. O'RELL: Julie?

6 MS. WEISMAN: Yes.

7 MR. O'RELL: Nancy?

8 MS. OSTIGUY: Yes.

9 MR. O'RELL: Jennifer?

10 MS. HALL: Yes.

11 MR. O'RELL: Jeff?

12 MR. MOYER: Yes.

13 MR. O'RELL: Kevin?

14 MR. ENGELBERT: Yes.

15 MR. O'RELL: Dan?

16 MR. GIACOMINI: Yes.

17 MR. O'RELL: Mike?

18 MR. LACY: Yes.

19 MR. O'RELL: Hue?

20 MR. KARREMAN: Yes.

21 MR. O'RELL: Rigo?

22 MR. DELGADO: Yes.

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1 MR. O'RELL: Gerald?

2 MR. DAVIS: Yes.

3 MR. O'RELL: Joe?

4 MR. SMILLIE: Yes.

5 MR. O'RELL: And the Chair votes
6 yes. The motion carries 14 yes, zero no's,
7 zero abstentions. Okay, thank you. That
8 concludes the Crops Committee
9 recommendations. We'd like to move now to
10 the Joint Materials and Handling Committee
11 recommendation for ag/non-ag. Julie?

12 MS. WEISMAN: There was a lot of
13 public comment on this recommendation that
14 was shared in writing before the meeting and
15 also that we heard in the previous two days.
16 And there were very - questions raised that
17 had great merit. I guess procedurally should
18 I go ahead and present this as is, or should
19 I present the recommendation as we originally
20 made it?

21 MR. O'RELL: No.

22 MS. WEISMAN: Not the best use of

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1 our time. Right. Yesterday we were on the
2 verge of deferring action on this
3 recommendation, so I think the appropriate
4 thing - and we decided that now would be the
5 appropriate time to take that vote. So I
6 would like to proceed with that at this time.

7 MR. O'RELL: So I will accept that
8 as a motion from the Handling Committee and
9 Materials Committee -

10 MS. OSTIGUY: Second.

11 MR. O'RELL: - to defer.

12 MS. WEISMAN: I move that we defer
13 the recommendation relative to agricultural
14 and non-agricultural substances for national
15 list consideration.

16 MS. OSTIGUY: Second.

17 MR. O'RELL: It's been moved and
18 seconded. Discussion? I would just like to
19 add that I think this is the appropriate
20 thing to do and certainly the committees in
21 the discussion were wanting to move forward
22 with the concept of expanding additional

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1 organic usage and interpretation of non-plant
2 life. I think there's a lot of good points
3 were brought up in the public comment. There
4 needs to be more work done around this issue.

5 We certainly are going to be reaching out to
6 the public from the committee side. It's on
7 the work plan as a priority. I don't think
8 this interferes with the work that needs to
9 be done in 606 in terms of classifying those
10 materials as agriculture and moving forward.

11 We have continually classified things as
12 agricultural without the use of this guidance
13 document. So I just wanted to make that as a
14 point. Andrea?

15 MS. CAROE: I just want to say
16 from the committee standpoint from being on
17 this joint committee I still don't feel that
18 this is a bad document. I think it still has
19 merit. However, I think it is the obligation
20 of this Board to consider compelling
21 arguments like we received during this public
22 comment. And we will investigate all of

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1 those issues, but there may be no changes due
2 to that. We may be just coming back with
3 justification for continuing with this
4 action. And specifically, I did want to
5 state that the issues that are presented that
6 were compelling is one that the comment
7 period was insufficient. So, based on the
8 fact that this is now out there and we can
9 continue to receive input, that's the first
10 thing that we needed to address. Too, we
11 need to look at if there would be any
12 interference with livestock operations that
13 use yeast as either feed or a feed additive
14 and we need to make sure that there is no
15 reason to believe that that would hamper -
16 this recommendation would hamper that use.

17 Next, we need to clarify whether
18 there is reason to move ahead with standards
19 for non-plant, non-animal life or if there
20 is, how we can accommodate that in the future
21 and go ahead with this recommendation. And
22 also we need to verify our ability to move

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1 items from 605 to 606 as a technical
2 correction based on this further definition
3 and whether that would be acceptable or
4 whether we would need an intervening action
5 of a petition. And again, to further get
6 industry input so that we move forward with a
7 good recommendation although I still think
8 this is a good recommendation, but a
9 recommendation that won't be questioned. So
10 that's my five cents.

11 MR. O'RELL: Gerald?

12 MR. DAVIS: Andrea, that was very
13 clearly stated, I thought that was very good
14 how you broke that down, and I was wondering
15 as a part of the Materials Committee, can we
16 get your comments kind of itemized for our
17 work that we continue with? That'd be nice.

18 MS. CAROE: Absolutely. I will
19 provide you with it.

20 MR. DAVIS: Keep us on track?

21 MR. O'RELL: Any additional
22 discussion? Okay. We have a motion on the

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1 floor to defer the Handling Committee,
2 Materials Committee joint recommendation on
3 ag/non-ag. So a vote yes is to defer. Any
4 conflicts of interest to declare? Hearing
5 none, we'll take the vote. Andrea?

6 MR. O'RELL: Andrea?

7 MS. CAROE: Yes.

8 MR. O'RELL: Julie?

9 MS. WEISMAN: Yes.

10 MR. O'RELL: Nancy?

11 MS. OSTIGUY: Yes.

12 MR. O'RELL: Jennifer?

13 MS. HALL: Yes.

14 MR. O'RELL: Jeff?

15 MR. MOYER: Yes.

16 MR. O'RELL: Kevin?

17 MR. ENGELBERT: Yes.

18 MR. O'RELL: Dan?

19 MR. GIACOMINI: Yes.

20 MR. O'RELL: Mike?

21 MR. LACY: Yes.

22 MR. O'RELL: Hue?

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1 MR. KARREMAN: Yes.

2 MR. O'RELL: Rigo?

3 MR. DELGADO: Yes.

4 MR. O'RELL: Gerald?

5 MR. DAVIS: Yes.

6 MR. O'RELL: Joe?

7 MR. SMILLIE: Yes.

8 MR. O'RELL: Bea?

9 MS. JAMES: Yes.

10 MR. O'RELL: And the Chair votes
11 yes. Motion carries 14 yes, zero no, zero
12 abstentions.

13 MS. WEISMAN: Okay, the next item
14 up for vote from the Handling Committee is
15 the document on a recommendation for the
16 establishment of commercial availability
17 criteria. This also received a lot of
18 discussion, a lot of very good feedback in
19 the form of public comments and there were
20 some changes suggested in the last two days
21 on the basis of public comment. I did not
22 make a new document and I'm wondering if we

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1 have this in a - is this a PDF also, or is
2 this a Word document? Okay. So I'm going to
3 describe the changes based on the original
4 document that was made up for the meeting and
5 we'll have to pin it in.

6 MS. FRANCES: I'll make an effort
7 to do that next time, next meeting, having
8 all the documents in any form.

9 MS. WEISMAN: Right, okay. In
10 Recommendation A, which would be the third
11 page, where it says the second bullet point,
12 after listing the types of info that the NOSB
13 will be wanting to see included in the
14 petition. And I would say actually after the
15 note saying that the global market is the
16 universe of supply, we would like to add
17 "This information will aid the NOSB in
18 evaluating the fragility of supply." That's
19 an attempt to clarify what the NOSB sees
20 their role in using this information. Does
21 that?

22 MS. CAROE: I need the wording.

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1 MS. WEISMAN: Okay. Add this
2 sentence after that note on the global
3 market, et cetera.

4 MR. SMILLIE: Is it part of the
5 parentheses?

6 MS. WEISMAN: No, not part of the
7 parentheses.

8 MS. CAROE: Is it a bullet?

9 MS. WEISMAN: Or maybe we should
10 make it before the note. It's not another -
11 okay. I'll accept suggestions as to where
12 the best place to put it is. The purpose is
13 to clarify that we are not going to be making
14 - we're trying to clarify the purpose of
15 collecting the information.

16 MS. CAROE: I thought that was
17 going to be in the B section, in recommending
18 an ag material should be - NOSB shall review
19 the petitioner's claim that.

20 MS. WEISMAN: Well that's specific
21 to - that's a separate thing.

22 MS. CAROE: But the NOSB shall

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1 review the petitioner's claim that there is
2 vulnerability or fragility in supply?

3 MS. WEISMAN: If that fits there
4 and serves the same purpose.

5 MS. CAROE: Because in that
6 section you do say that we're evaluating "no
7 organic substitutes are commercially
8 available" which was - that was contentious.

9 MS. WEISMAN: Right.

10 MS. CAROE: That's where we wanted
11 to change that to -

12 MS. HALL: I was actually going to
13 suggest something different based on
14 Barbara's comments yesterday. It's kind of a
15 clarification for myself that if this is
16 truly to put more depth into the process if
17 it doesn't effectively change the committee's
18 role or the program's role as she was
19 explaining I would actually suggest that we
20 strike Section B, that it adds more
21 questions, if we're not changing our roles
22 from what they were previous to this

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1 document. And then just include your
2 statement as a bullet like we're suggesting
3 now right under those additional criteria.

4 MS. CAROE: But Jennifer, I don't
5 know if it's ever been clearly stated what
6 our role is in reviewing materials for 606.
7 That's why I think it was originally stated
8 on this recommendation.

9 MS. FRANCES: It's an amazing
10 piece of technology. You can select text, I
11 forgot. I just put it into Word. So if you
12 want to.

13 MS. WEISMAN: Thank you.

14 MR. O'RELL: That's good.

15 MS. FRANCES: I need more coffee
16 this morning.

17 MS. WEISMAN: You know, I have to
18 apologize for not being as well prepared on
19 this document as I am for the one afterwards,
20 but I'm like reading the notes in my margins
21 that I made yesterday and whoever said that
22 this belongs as part of Section B is

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1 absolutely correct. So let's just move to
2 Recommendation B. Okay. In the first
3 sentence, the NOSB shall review the
4 petitioner's claim. Okay, the NOSB shall,
5 (1) through technical review if necessary
6 that a material is agricultural.

7 MS. FRANCES: You know, I'm really
8 not clear where you are.

9 MS. WEISMAN: Okay. In
10 Recommendation B now, which is the NOSB and
11 NOP role. There. All right. Okay. Now, in
12 that first line, "In recommending that an
13 agricultural material shall be placed on
14 205.606, the NOSB shall before review -

15 MR. DAVIS: Mr. Chairman, that
16 seems to be a different version than what we
17 are working with. It's certainly a different
18 format.

19 MS. WEISMAN: Well, the shall -
20 the word wrap is just - the "shall" is on the
21 first part of the second line, okay? After
22 the word "shall" -

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1 MR. DAVIS: I'm concerned about
2 the rest of the document that changed the
3 formatting three or four lines worth on the
4 page.

5 MS. CAROE: It's just the word
6 wrap. Same words, just format.

7 MS. FRANCES: The way the margins
8 are set on the page. Her margin thing.

9 MR. O'RELL: It's the same
10 document.

11 MS. WEISMAN: Okay, so shall -
12 instead of "shall" write ascertain, comma,
13 through technical review if necessary, comma,
14 that material is agricultural.

15 MS. FRANCES: Sorry for typos.

16 MS. WEISMAN: And I think we want
17 a semicolon there. And then we go on with
18 "and review the claim that no organic
19 substitutes." We continue with that. Just
20 make that segueway there to the rest of it.
21 Does that make sense?

22 MR. LACY: And Julie, did you have

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1 an "if necessary" in there?

2 MS. WEISMAN: No, we want "and
3 review the petitioner's claim." The "and"
4 needs to be there.

5 MR. LACY: I thought you had after
6 "technical review, if necessary." Did I not
7 hear that right?

8 MS. WEISMAN: Through technical
9 review, yes, if necessary, thank you. I
10 can't see that well from this side of the
11 morning.

12 MS. CAROE: I still - we're not
13 going to be reviewing commercial
14 availability. I mean, I don't agree with the
15 after "and."

16 MS. WEISMAN: Okay. So let's -
17 this is where we want to make the emphasis
18 more be on addressing the vulnerability of
19 supply.

20 MS. CAROE: So I think "and" -

21 MS. WEISMAN: Should be struck.

22 MS. CAROE: Strike the rest of

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1 that sentence.

2 MS. FRANCES: Strike the entire
3 sentence?

4 MS. WEISMAN: Yes, the rest after
5 - "and" and after. But we're going to
6 replace it with - well, you already have it.
7 Ascertain. And evaluate the information
8 regarding the fragility of supply.

9 MR. O'RELL: Valerie, could you
10 read that, what you have now and just concur
11 that that's.

12 MS. FRANCES: In recommending that
13 an agricultural material shall be placed on
14 205.606, the NOSB shall ascertain through
15 technical review if necessary that material
16 is agricultural and evaluate the information
17 regarding the fragility of supply.

18 MS. JAMES: You need a "the" in
19 between "that" and "material." That the
20 material.

21 MS. FRANCES: Thank you.

22 MS. WEISMAN: Okay, then, now we

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1 have another small change in Recommendation -
2 In Recommendation C there was concern about
3 pushing certifiers a little bit close to
4 being beyond what their appropriate role is.

5 So to help them out we would like to replace
6 in Number 3, instead of saying "notify the
7 certification applicant" we want to say - or
8 actually, I guess we want to strike that
9 sentence and replace it with "make available
10 sources of information" - make available to
11 the certification applicant or certified
12 operator - I'll read this over again -
13 sources of information. That list. Does
14 that?

15 MS. CAROE: You just have to say
16 make available.

17 MS. WEISMAN: Right. Make
18 available sources of information that list
19 organic ingredients. Period. Number 3, make
20 available sources of information that list
21 organic ingredients.

22 MR. KARREMAN: Question. Is that

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1 - could that be construed on consulting on
2 the part of the ACA?

3 MS. WEISMAN: That's, we're trying
4 to make it less that way.

5 MS. CAROE: Just for information
6 that is made available across the board is
7 not consulting. Information that is made
8 available specifically to, you know, or
9 selective groups within the applicant pool
10 would be considered consulting, but
11 information that's provided across the board
12 is not consulting.

13 MS. WEISMAN: Those are all the
14 changes.

15 MR. O'RELL: Those are the two
16 changes. Jeff?

17 MR. DAVIS: Read that Sentence 3
18 again.

19 MR. O'RELL: Okay. You have to
20 re-read it.

21 MS. WEISMAN: Okay. Make
22 available sources of information that list

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1 organic ingredients. Make available sources
2 of information that list organic ingredients.

3 Is that what we list? Available. So we're
4 going to use "available" twice in the same
5 sentence. I know my English teachers
6 wouldn't like that.

7 MS. FRANCES: Make available
8 sources of information that list organic
9 materials or ingredients?

10 MS. WEISMAN: Materials.

11 MR. SMILLIE: Provide, rather than
12 make available?

13 MS. WEISMAN: Provide. Okay.
14 Provide.

15 MS. FRANCES: Indicate?

16 MR. KARREMAN: No, not provide,
17 make available. Providing is like here you
18 go.

19 MR. O'RELL: Yes.

20 MS. WEISMAN: Make available
21 sources of information.

22 MS. FRANCES: One at a time. She

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1 can't hear.

2 MS. WEISMAN: Okay, sorry.

3 MR. KARREMAN: Keep the sentence
4 as it is, please.

5 MS. WEISMAN: Okay, I think that's
6 going to be sufficient.

7 MR. O'RELL: Okay. We've had two
8 changes made in the document. I'd like to go
9 back to - Jeff, yes.

10 MR. MOYER: Well, I had a question
11 about another change that I had made note on
12 in my document in the item above that, Item
13 2. There was discussion yesterday about the
14 word "credible." Are we keeping that word in
15 there as it is?

16 MR. O'RELL: Andrea?

17 MS. CAROE: As we discussed,
18 "credible" I guess it does require somewhat
19 of a judgment call, but this is a guidance
20 document and it just indicates that there -

21 MS. HALL: As I recall, we said
22 that most certifiers currently do that, that

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1 they make that decision themselves on
2 credibility and that doesn't change anything.

3 MS. CAROE: Right. It doesn't,
4 and it's something that actually the detail
5 of that will be evaluated through the
6 accreditation process as their systems are
7 reviewed and the information that they are
8 making their decisions on are reviewed. So
9 noting it here is setting the track, but how
10 that's actually implemented should be left to
11 the accreditation process.

12 MR. MOYER: Which is the reason I
13 wouldn't have the word "credible." I'd just
14 say that the operator has documentation. A
15 credible or non-credible is a judgment call.

16 I don't think that it needs to be in this
17 document. That was just my point. It was a
18 discussion that came up yesterday.

19 MS. CAROE: I could go either way
20 because it really doesn't make that much
21 difference.

22 MR. GIACOMINI: In my

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1 conversations with some certifiers, they
2 claim that they don't have the leverage to
3 question documentation in some situations and
4 in this case I think if we can give them
5 something that says, no, Joe the barber
6 doesn't know what he's talking about, that we
7 should give the certifiers that leverage.

8 MS. WEISMAN: Okay, leave it in.

9 MR. O'RELL: Joe?

10 MR. SMILLIE: At this point I'm
11 not sure if it's appropriate or not, but I'd
12 like to get Mark or the program's take on
13 where we are with (c)(3), if that. Your
14 current thoughts on (c)(3).

15 MS. FRANCES: Make available -

16 MR. BRADLEY: From the consulting
17 standpoint?

18 MR. SMILLIE: Yes. The conflict
19 of interest issue.

20 MS. FRANCES: Make available
21 sources of information that list organic
22 materials if the certifying agent finds that

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1 such materials exist.

2 MR. BRADLEY: Oh, we struck that.

3 MS. WEISMAN: No, it's gone.

4 MS. CAROE: There's a period after
5 "organic materials" and there's an
6 "available" before the word "organic."

7 MR. BRADLEY: Really?

8 MS. CAROE: Yes.

9 MR. BRADLEY: We wanted to keep
10 that then.

11 MS. CAROE: We need to - this is
12 about available organic materials.

13 MS. WEISMAN: Commercially
14 available? Do we want to say that?

15 MR. BRADLEY: No.

16 MS. WEISMAN: Okay. Oh, because
17 that's what we're defining. Yes, of course.

18 MS. FRANCES: We just put
19 "available" in there twice. That's why.

20 MS. CAROE: No, we determined it's
21 bad English.

22 MS. WEISMAN: It's not so elegant,

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1 but it does the job.

2 MR. BRADLEY: Is your objective
3 here to try to promote the use of organic
4 products?

5 MR. SMILLIE: No, the objective is
6 to be able to provide to the public at large
7 lists of information, not specific companies
8 or specific products, but where people who
9 want to find out what is available on the
10 organic marketplace. And the certification
11 agent is the one who gets this request. We
12 want to remove the certification agent from a
13 position of conflict of interest or
14 consulting by telling people where they get
15 things and instead put them in the position
16 of being able to make available information
17 lists such as an OTA list, an OMRI list,
18 whatever else is available as a generic list
19 of available organic products. So that they
20 don't have a consulting conflict. In other
21 words, they're not consulting the applicant
22 or certified operator on what to do, how to

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1 come into compliance.

2 MR. BRADLEY: Is this going to be
3 in the context of them developing their
4 organic systems plan, or is it after they
5 have made a request for determination of
6 commercial availability?

7 MR. O'RELL: Andrea.

8 MS. CAROE: This is the certifier
9 is making it available just like they make
10 available the list of all their certified
11 entities. I mean, it's just having it out
12 there and available. It's not a response to
13 a request. It's not, you know, it's just
14 information that we feel that the certifiers
15 should have available. Let me put it in an
16 example. You know, the certifier can't say
17 you have to use organic saffron because we
18 know it's available and the entity comes back
19 and says but where. You can't tell them
20 where. However, if you have a list, a
21 clearinghouse of information available, then
22 it's like, you know, pointing to the

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1 dictionary and it's already there for
2 everybody.

3 MR. BRADLEY: Are they going to
4 charge to list this information?

5 MS. WEISMAN: No.

6 MS. CAROE: This is just reference
7 to existing clearinghouses of information.

8 MR. O'RELL: Hue?

9 MR. KARREMAN: I think the term
10 "clearinghouse" is important because I think,
11 at least from being out in the field and all,
12 I think certain certifiers are kind of cozy
13 with certain companies and they would steer
14 them maybe just to those companies versus -
15 kind of like an extension service that has a
16 myriad of supplies. Information. Do you
17 know what I mean?

18 MR. SMILLIE: Yes, you're exactly
19 right and that's what we're trying to craft
20 here is to make sure that we get the
21 information out without getting the certifier
22 in a conflict of interest or consulting

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1 position.

2 MR. KARREMAN: No, I understand
3 that, but even on that Sentence Number 3, you
4 know, the lists of organic materials might
5 be, up in Maine and Vermont, quite different
6 than the ones in California. And yet if
7 they're - I don't know. It just seems there
8 can be too much coziness between certifiers
9 and information sources.

10 MR. O'RELL: I will recognize
11 Leslie as a certifier if she has a -

12 MR. KARREMAN: May I just quickly
13 add that -

14 MR. O'RELL: Yes, you may.

15 MR. KARREMAN: They can have very
16 good lists, but I just want to guard against
17 parochialism, I guess, or whatever.

18 MS. ZUCK: Thank you. Leslie
19 Zuck, Pennsylvania Certified Organic. When I
20 read this first it said "notify the certified
21 applicant or certified operation" and that's
22 where this turns on, to notify a particular

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1 applicant versus making available information
2 to my entire clientele. This doesn't really
3 clarify that, though. It just says "make
4 available" and I don't know if it says make
5 available to whom or what, you know. But it
6 does take that part out and that was the
7 important part, for me to give them
8 information that would help them overcome an
9 identified barrier to certification. So
10 that's the issue.

11 MS. CAROE: So, Leslie, are you
12 happy with this change or are you unhappy
13 with the change?

14 MS. ZUCK: Well -

15 MR. SMILLIE: If we added
16 "publicly available."

17 MS. ZUCK: You don't really want
18 my opinion. Right, to whom. So you know,
19 publish, or some other type of wording. You
20 know, make available is really vague and if
21 you're really going to give guidance it
22 should be -

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1 MR. O'RELL: If it said "published
2 available sources of information"?

3 MR. SMILLIE: So you're going to
4 make this available to the general public?

5 MS. ZUCK: Yes. What's kind of -
6 it's really unclear to me how this is really
7 going to work on the ground because if one
8 time a certification applicant then says, you
9 know, if we find that one particular item is
10 not commercially available, or is, then do we
11 change our list and publish it again? Do we
12 do it quarterly? Every time we come up with
13 this information?

14 MS. WEISMAN: You're not
15 responsible for making the list.

16 MS. ZUCK: Okay.

17 MS. WEISMAN: There are lists that
18 already exist even now.

19 MS. ZUCK: Oh, okay.

20 MS. CAROE: You're listing the
21 list. You're not -

22 MS. WEISMAN: You're explaining to

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1 them -

2 MR. O'RELL: Yes, it's not the
3 certifier's list and maybe we need to
4 clarify.

5 MS. ZUCK: That's what we need.

6 MR. O'RELL: Joe?

7 MR. SMILLIE: Yes, the Point is
8 for the certifier to make publicly available
9 to whoever requests it sources of
10 organizations that have already publicly
11 available lists. The examples I would use,
12 I'm not discriminating, but examples could be
13 the Organic Trade Association, OMRI, ATRA and
14 whoever else is in the business or non-profit
15 -

16 MR. O'RELL: Can I suggest - to
17 accomplish that can I just, I know you were -
18 can I just suggest "make available public
19 sources of information" ?

20 MS. FRANCES: Or even just "make
21 public sources of information."

22 MR. O'RELL: Okay.

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1 MR. GIACOMINI: I agree with the
2 examples that Joe is using, I'm just not
3 clear in my mind that this does that as
4 opposed to a certifier pointing to a
5 particular sales catalog.

6 MS. HALL: I think you could add
7 "and do not present a conflict of interest"
8 or something to that effect.

9 MR. O'RELL: Okay, I'm going to
10 ask the Board because they're really having
11 problems transcribing all of this when we
12 just have an open, so we need to be
13 recognized and we need to follow procedure,
14 otherwise it's impossible for them to
15 transcribe the conversation. Hue?

16 MR. KARREMAN: I just want to add
17 that is exactly what I'm saying, what Dan
18 just said. I agree that they're not steering
19 them to specific suppliers only. I don't
20 know how else to put it, but I want to guard
21 against that. I want to make it as wide-
22 ranging as possible, those lists. I don't

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1 know how you can say it though.

2 MR. O'RELL: Kevin?

3 MR. ENGELBERT: So after the word
4 "list" add "all appropriate."

5 MR. O'RELL: Dan?

6 MR. GIACOMINI: Wouldn't that
7 include the sales catalogs?

8 MR. O'RELL: Hue.

9 MR. KARREMAN: There may only be
10 like five sales catalogs that a certain
11 certifier knows and another certifier's got a
12 hundred for whatever products. It's
13 difficult.

14 MR. O'RELL: Mike?

15 MR. LACY: I hate to jump in here
16 -

17 MR. O'RELL: Please jump in here.

18 MR. LACY: If you put "generic"
19 between "public" and "sources" would that
20 help you all?

21 MS. WEISMAN: No, I don't think
22 so.

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1 MS. OSTIGUY: Can I make a
2 suggestion?

3 MR. O'RELL: Yes, Nancy.

4 MS. OSTIGUY: Since there's no
5 motion yet could we defer this until after
6 the coffee break and then there could be an
7 argument at that point during the coffee
8 break and we come back with suggested wording
9 rather than this?

10 MR. O'RELL: I appreciate that,
11 Nancy. Let's take a 10 - 15 minute break,
12 and let's let the appropriate people get
13 together and make the correct wording, come
14 back and we'll have it on the screen and
15 we'll introduce it as a recommendation.
16 Thank you, Nancy.

17 Whereupon, the foregoing matter
18 went off the record at 9:53 a.m. and went
19 back on the record at 10:09 a.m.)

20 MR. O'RELL: Okay Board members,
21 we have a quorum so we are going to continue
22 after that brief pause. Julie, would you

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1 lead us through. I think we've made
2 revisions to the recommendation that we would
3 like to put forward. Could you walk us
4 through those changes?

5 MS. WEISMAN: Okay. If Valerie
6 wouldn't mind putting us back into B there
7 are two changes now. B is now reading -
8 actually, I'm going to have to move and use
9 somebody's mic because I would rather read
10 what's there than -

11 MR. O'RELL: Go around.

12 MS. WEISMAN: So now B, Section B
13 of the recommendation is going to read
14 regarding the NOSB NOP role in the review of
15 petitions, "In recommending that an
16 agricultural material should be placed on
17 Section 205.606, the NOSB shall ascertain
18 through technical review, if necessary, that
19 the material is agricultural and evaluate the
20 information regarding the fragility of
21 supply." That's the change.

22 Now, let's scroll down to Section

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1 C. We had just a very intense side bar and
2 we are not able to come up with wording that
3 meets everybody's concerns at this time. And
4 so rather than possibly needing to defer the
5 entire document, we are going to strike
6 Number 3 right now. And it will be part of
7 our work plan to address that as an amendment
8 later. And that's it. That's the document.

9 MR. GIACOMINI: We need to reorder
10 4 and 5.

11 MS. WEISMAN: Oh, so 4 becomes 3.

12 MR. O'RELL: Thank you, Dan.
13 Okay, Julie, would you like to enter a motion
14 that we accept the recommendation?

15 MS. WEISMAN: I enter a motion
16 that we accept the recommendation as now
17 presented with the right numbering.

18 MR. O'RELL: The recommendation
19 for -

20 MS. CAROE: Second.

21 MR. O'RELL: - the establishment
22 of commercial availability -

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1 MS. WEISMAN: I move that the
2 Board accepts this recommendation for the
3 establishment of commercial availability
4 criteria. I'm doing that from memory, is
5 that okay?

6 MR. O'RELL: That's fine.

7 MS. WEISMAN: Okay.

8 MR. O'RELL: And there was a
9 second?

10 MS. CAROE: Yes. I need to
11 capture that motion.

12 MR. O'RELL: Andrea's capturing
13 the motion.

14 (Laughter)

15 MR. O'RELL: So we have a motion
16 on the floor. It's been moved and seconded
17 that we accept the recommendation from the
18 Handling Committee for the establishment of
19 commercial availability criteria as a
20 guidance document. Discussion, please. I
21 think we've had thorough discussion, so
22 hearing none, is there any conflict of

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1 interest?

2 MR. KARREMAN: Not on conflict of
3 interest. I think Katherine wanted to know
4 who seconded the motion

5 MS. CAROE: I did.

6 MR. O'RELL: Andrea. Okay, we
7 will begin the vote. Julie?

8 MS. WEISMAN: Yes.

9 MR. O'RELL: Nancy?

10 MS. OSTIGUY: Yes.

11 MR. O'RELL: Jennifer?

12 MS. HALL: Yes.

13 MR. O'RELL: Jeff?

14 MR. MOYER: Yes.

15 MR. O'RELL: Kevin?

16 MR. ENGELBERT: Yes.

17 MR. O'RELL: Dan?

18 MR. GIACOMINI: Yes.

19 MR. O'RELL: Mike?

20 MR. LACY: Yes.

21 MR. O'RELL: Hue?

22 MR. KARREMAN: Yes.

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1 MR. O'RELL: Rigo?

2 MR. DELGADO: Yes.

3 MR. O'RELL: Gerald?

4 MR. DAVIS: Yes.

5 MR. O'RELL: Joe?

6 MR. SMILLIE: Yes.

7 MR. O'RELL: Bea?

8 MS. JAMES: Yes.

9 MR. O'RELL: And the Chair votes
10 yes. Andrea, I'm sorry.

11 MS. CAROE: I vote yes too.

12 MR. O'RELL: Okay, Andrea. And
13 the Chair votes yes. Fourteen yes's, no
14 no's, no abstentions. The motion carries.
15 Okay, next?

16 MS. WEISMAN: Okay. The next item
17 on the Handling Committee agenda was the
18 final recommendation for colors synthetic.

19 MR. O'RELL: Pet food.

20 MS. WEISMAN: Oh, I'm so sorry.
21 Yes, okay. This was a recommendation that we
22 accept the interim report of the Pet Food

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1 Task Force that was presented to us in April
2 at the April meeting and that we now begin to
3 use that document to move forward with pet
4 food standards.

5 MR. O'RELL: And is that a motion?

6 MS. WEISMAN: That is a motion to
7 accept the recommendation of the Handling
8 Committee, yes.

9 MS. CAROE: To accept the interim
10 recommendation of the Pet Food Task Force for
11 further work by the Handling Committee.

12 MS. JAMES: Second.

13 MR. O'RELL: It was seconded by
14 Bea. So we have a motion and a second. Any
15 discussion? Any conflicts of interest?
16 Everybody likes pets. Nancy?

17 MR. O'RELL: Jennifer?

18 MS. HALL: Yes.

19 MR. O'RELL: Jeff?

20 MR. MOYER: Yes.

21 MR. O'RELL: Kevin?

22 MR. ENGELBERT: Yes.

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1 MR. O'RELL: Dan?
2 MR. GIACOMINI: Yes.
3 MR. O'RELL: Mike?
4 MR. LACY: Yes.
5 MR. O'RELL: Hue?
6 MR. KARREMAN: Yes.
7 MR. O'RELL: Rigo?
8 MR. DELGADO: Yes.
9 MR. O'RELL: Gerald?
10 MR. DAVIS: Yes.
11 MR. O'RELL: Joe?
12 MR. SMILLIE: Yes.
13 MR. O'RELL: Bea?
14 MS. JAMES: Yes.
15 MR. O'RELL: Andrea?
16 MS. CAROE: Yes.
17 MR. O'RELL: Julie?
18 MS. WEISMAN: Yes.
19 MR. O'RELL: And the Chair votes
20 yes. Fourteen yes's, motion carries. Now
21 colors.
22 MS. WEISMAN: This was a final

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1 recommendation coming out of sunset review
2 regarding colors non-synthetic on Section
3 205.605(a) of the national list. And
4 although we have heard comments, we have had
5 a bit of comment on this, and there is a
6 question about disruptions that may happen if
7 these colors sunset. Unfortunately, we
8 believe, the Handling Committee believes that
9 this is a procedural issue regarding the fact
10 that they appeared on the national list
11 without any recommendation from the NOSB in
12 the first place and that because of this we
13 are not in a position to renew these colors
14 for another five years on the list. So
15 therefore I move that the full Board accept
16 the recommendation of the Handling Committee
17 that colors non-synthetic sources only not be
18 renewed on Section 205.605(a) and effective
19 the sunset date of October 22, 2007.

20 MS. OSTIGUY: Second.

21 MS. CAROE: Sorry. I was just
22 going to offer re-wording of the motion.

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1 Just to keep the motion brief, I had to
2 accept the recommendation to sunset the
3 205.605(a) listing of colors.

4 MS. WEISMAN: Yes.

5 MR. O'RELL: It's been -

6 MS. WEISMAN: I withdraw my
7 motion. Okay, I accept.

8 MR. O'RELL: And Nancy has
9 seconded. Thank you. Discussion on colors?
10 Dan.

11 MR. GIACOMINI: I would just like
12 clarification on this issue of this being a
13 technical matter that essentially we're
14 required to vote to take it off because of
15 some procedural issue five years ago. I
16 mean, I keep hearing that this is a directive
17 from the program. I'd like some
18 clarification on that.

19 MR. O'RELL: Nancy?

20 MS. OSTIGUY: I don't know about
21 it being a directive for the program or not,
22 but it's actually, and probably the key role

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1 for the Board is the placement and removal of
2 materials from the national list. OFTHA very
3 specifically gave that authority to the
4 Board. No other way except by this I guess
5 recent legislation can you put materials on a
6 national list. So at the time the Board
7 never acted on this and so this material does
8 not belong on the list.

9 MR. O'RELL: Hue?

10 MR. KARREMAN: Just wondering are
11 there any other materials on the national
12 list that came on like this particular thing?

13 Not one. Every single one had a TAP review
14 no matter how pathetic way back when?

15 (Laughter)

16 MR. KARREMAN: I'm sorry. They've
17 gotten very good now. They've gotten very,
18 very good. But I always hear people worrying
19 about the old TAPs. But every single
20 material had a TAP review, went through the
21 whole procedural process except colors non-
22 synthetic? That's hard to believe.

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1 MR. O'RELL: Jeff.

2 MR. MOYER: Joe, do you know
3 potassium sulfate, did that get on the same
4 way?

5 MR. O'RELL: It's a natural.

6 MR. MOYER: Oh it's not on this
7 list, right.

8 MR. SMILLIE: Potassium sulfate is
9 from lime sources.

10 MR. O'RELL: Valerie, do you?

11 MS. FRANCES: I don't think the
12 only point is that there was a TAP review,
13 it's that there was never a Board
14 recommendation.

15 MR. O'RELL: That's the key.
16 There was not a petition for colors. Colors
17 was never petitioned.

18 MR. GIACOMINI: Mr. Chairman, I
19 still don't understand. It's on the list.
20 We're being asked to evaluate whether it
21 should stay on the list or be removed from
22 the list. Since it's on the list, the Board

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1 decided not to take action five years ago. I
2 don't see what the issue on that is forcing
3 our vote.

4 MR. O'RELL: Nancy?

5 MS. OSTIGUY: No, actually the
6 Board has repeatedly tried to deal with these
7 issues of materials that they were supposed
8 to go through the process. And it was not
9 corrected, at least in my opinion. So it was
10 asked for before and it was not corrected.

11 MR. O'RELL: Andrea?

12 MS. CAROE: Just because we're
13 sunsetting this listing doesn't mean we're
14 prohibiting the use of colors in the future.

15 This action, as you remember from the April
16 meeting, was to elicit the petitions to get
17 the petition and the whole process buttoned
18 up. And we did get that response and we've
19 made a commitment to those petitioners that
20 we will do everything within our abilities to
21 get this reviewed and appropriately listed or
22 not in the future. But as for this listing,

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1 this is the right thing to do is to let it
2 sunset.

3 MR. O'RELL: Julie?

4 MS. WEISMAN: And also I want to
5 clarify. It may not need clarification, so I
6 apologize, but we are not - this is not a
7 recommendation to remove colors, it's a
8 recommendation to allow it to sunset and in
9 the meantime we already have petitions for
10 colors to consider.

11 MR. GIACOMINI: I just, I have a,
12 I feel a real difference when I am just
13 making a decision of whether to sunset an
14 item or being told that the vote needs to be
15 in a certain - come to a certain conclusion
16 because of something that the Board did or
17 did not do, however something happened five
18 years ago. It seems the decision should be
19 made on the validity of colors being on the
20 list now whether it's colors or any other
21 substance that would be on the national list.
22 If it was something that needed to stay on

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1 the national list, would we be forced in the
2 same situation to take it off and sunset it
3 simply because of a procedure five years ago?

4 I understand the value of procedure, but I
5 think this would be a bad precedent.

6 MR. O'RELL: The Chair is going to
7 - Jennifer, I have you next, but the Chair is
8 going to recognize Kim Dietz as former
9 Materials Committee Chair on the NOSB.

10 MS. DIETZ: Kim Dietz. Just
11 trying to give you a little bit of historical
12 perspective because I think that will help
13 you. For five years the public, most people
14 have known colors has been an issue, so we
15 have gone out there publicly saying petition,
16 it may come up for sunset. I think the
17 people have had adequate time to make a
18 decision to petition if they wanted to. And
19 we have seen those petitions come in.
20 Procedurally, it's the right thing to do.
21 For four years we've been talking about
22 sunset, so it's not just a matter of giving

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1 people time for colors because they've had
2 the time.

3 MR. O'RELL: Jennifer?

4 MS. HALL: This is in response to
5 Dan. I actually see this as the opportunity
6 that the Board never had to determine the
7 validity of these non-organic colors being on
8 the list. And that they've never - and I
9 think for me the key is that they are not
10 organic and that was never assessed, their
11 validity to be in organic products.

12 MR. O'RELL: Dan, one of the
13 challenges we face in my opinion is that I
14 would love to see colors remain on the list
15 because obviously there are some things that
16 really need to happen quickly between now and
17 June with the Harvey case to continue
18 commerce as we know it. But this is a
19 procedural issue. This is something that can
20 be challenged. And if we go forward with the
21 recommendation of leaving colors on there and
22 the public then has a false sense of

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1 security, it can be challenged legally and
2 that's not going to be a good thing either
3 for the industry. So procedurally I do agree
4 with what Kim has said, I agree with what
5 Nancy has said.

6 MR. GIACOMINI: The issue of
7 Harvey is a 606 issue.

8 MS. CAROE: This is not a Harvey
9 issue.

10 MR. GIACOMINI: This is not a
11 Harvey issue, this is 605. These are
12 synthetics, not the naturals.

13 MR. O'RELL: Well, it's -

14 MR. GIACOMINI: This could have
15 been petitioned to be taken off at any point
16 in time.

17 MR. O'RELL: Right. It's in
18 regard to those materials that are being
19 petitioned now for 606 to replace colors on
20 605. I recognize the placement of the
21 colors, but right now we have a number of
22 petitions in 606 that need to be out there

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1 because when colors sunsets, there's going to
2 be an issue. Hue?

3 MR. GIACOMINI: Mr. Chairman, I
4 would just I guess put on the record that for
5 clarity I will vote to keep colors on the
6 list not as a matter - not as a view on the
7 colors issue, but on the view of the
8 procedural matter that I seem to feel that
9 we're getting a little arm-twisting on.

10 MR. O'RELL: Okay. No further
11 discussion? Hue.

12 MR. KARREMAN: Just one thing on
13 what Jennifer said very well, you know, now
14 is our time to speak up on this material so
15 we can speak up either way.

16 MR. GIACOMINI: I agree with you
17 on that but we haven't had that discussion.
18 All we've been told is it needs to come off
19 because of a procedural issue five years ago.
20 We have not had any discussion on it.

21 MR. O'RELL: That's the
22 recommendation and the discussion period is

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1 now. So we're having that discussion.

2 MR. GIACOMINI: Okay, on that
3 issue I don't - we have been pushed in this
4 direction of it being procedural for so long
5 we haven't had the discussion and I don't
6 think that saying this is it is a real fair
7 platform for giving both sides an
8 opportunity.

9 MR. O'RELL: Is there any further
10 discussion? Hearing none I'll ask is there
11 any conflict of interest? Hearing none we'll
12 take the vote. We have a motion on the floor
13 to accept - Andrea, would you read the
14 motion?

15 MS. CAROE: To accept the
16 recommendation to sunset the 205.605(a)
17 listing of colors.

18 MR. O'RELL: Thank you. Jennifer?

19 MR. O'RELL: Jennifer?

20 MS. HALL: Yes.

21 MR. O'RELL: Jeff?

22 MR. MOYER: Yes.

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1 MR. O'RELL: Kevin?
2 MR. ENGELBERT: Yes.
3 MR. O'RELL: Dan?
4 MR. GIACOMINI: No.
5 MR. O'RELL: Mike?
6 MR. LACY: Yes.
7 MR. O'RELL: Hue?
8 MR. KARREMAN: No.
9 MR. O'RELL: Rigo?
10 MR. DELGADO: Yes.
11 MR. O'RELL: Gerald?
12 MR. DAVIS: Yes.
13 MR. O'RELL: Joe?
14 MR. SMILLIE: Yes.
15 MR. O'RELL: Bea?
16 MS. JAMES: Yes.
17 MR. O'RELL: Andrea?
18 MS. CAROE: Yes.
19 MR. O'RELL: Julie?
20 MS. WEISMAN: Yes.
21 MR. O'RELL: Nancy?
22 MS. OSTIGUY: Yes.

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1 MR. O'RELL: And the Chair votes
2 yes. Twelve yes, two no's. Lecithin,
3 bleached.

4 MS. WEISMAN: Yes, actually we
5 have a revised recommendation from the
6 recommendation that was presented yesterday
7 which I think everyone is going to be able to
8 see on the screen. Based on public comment
9 that was received prior to this meeting of a
10 very detailed and higher quality than we had
11 ever had before, we have actually - we feel
12 that we have to reverse the recommendation as
13 it was presented yesterday and that while
14 we've seen that there is a variety of both
15 non-synthetic and organic sources now for
16 liquid bleached lecithin, there are no such
17 alternatives for dry de-oiled bleached
18 lecithin. And although we would love to have
19 the option to not renew the liquid forms and
20 just renew the dry forms, this is sunset and
21 we are not allowed to make annotations during
22 this time. Therefore, we feel our only

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1 choice right now is to recommend the renewal
2 of lecithin, bleached and we strongly hope
3 that a petition will be presented in short
4 order to restrict the use of bleached
5 lecithin to dry forms only. I think there
6 may be a word that doesn't belong there.
7 There's a typo at the end. That "however"
8 needs to come out. Thank you. Delete. So
9 the Board - the recommendation of the Board,
10 the Handling Committee recommends renewing
11 the following substance in this use category,
12 lecithin, bleached. 205.605(b), synthetics
13 allowed.

14 MR. O'RELL: That is a motion.

15 MS. CAROE: I'll second.

16 MR. O'RELL: Andrea seconds.

17 Discussion?

18 MR. SMILLIE: Yes, I'm comfortable
19 with our reversal because I think the market
20 will eventually make the correction that we
21 think is appropriate and it'll make that
22 correction in due time.

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1 MR. O'RELL: Gerald?

2 MR. DAVIS: From my point of view
3 and looking at some of the testimony
4 yesterday on how the dry powdered lecithin,
5 bleached lecithin is extracted and then
6 purified, I know I will vote against this
7 because I think there is a point at some
8 point personally I feel that you can't make
9 an organic product out of everything.
10 There's some things that if it can't be made
11 without using a material like that, so be it.

12 MR. O'RELL: Andrea?

13 MS. CAROE: I'd just remind the
14 Board that this is sunset. This is not new
15 information. There's no new availability of
16 other materials. This is looking at a prior
17 Board decision, looking for that new
18 information and determining whether it is
19 still valid. There is no new information on
20 this. There's no new availability. So I
21 mean if we were looking at this material to
22 be listed, your concerns would be worthy and

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1 we would be looking at those things. But
2 based on we're looking at sunset, it's a
3 whole different ball of wax.

4 MR. O'RELL: Any further
5 discussion? Hearing none I'll ask if there's
6 any conflict of interest on lecithin,
7 bleached. We will take the vote. Andrea,
8 would you read the motion again just so we're
9 clear?

10 MS. CAROE: The motion is to renew
11 the 205.605(b) listing of lecithin, bleached.

12 MR. O'RELL: Okay, thank you. We
13 have the motion and we'll start the vote with
14 Jeff.

15 MR. MOYER: Yes.

16 MR. O'RELL: Kevin?

17 MR. ENGELBERT: Yes.

18 MR. O'RELL: Dan?

19 MR. GIACOMINI: Yes.

20 MR. O'RELL: Mike?

21 MR. LACY: Yes.

22 MR. O'RELL: Hue?

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1 MR. KARREMAN: Yes.

2 MR. O'RELL: Rigo?

3 MR. DELGADO: Yes.

4 MR. O'RELL: Gerald?

5 MR. DAVIS: Yes.

6 MR. O'RELL: Joe?

7 MR. SMILLIE: Yes.

8 MR. O'RELL: Bea?

9 MS. JAMES: No.

10 MR. O'RELL: Andrea?

11 MS. CAROE: Yes.

12 MR. O'RELL: Julie?

13 MS. WEISMAN: Yes.

14 MR. O'RELL: Nancy?

15 MS. OSTIGUY: No.

16 MR. O'RELL: Jennifer?

17 MS. HALL: Yes.

18 MR. O'RELL: And the Chair votes

19 yes.

20 MS. CAROE: The vote is 11-3-0-0.

21 MR. O'RELL: 11-3-0-0, motion

22 carries. Thank you. Thank you, Julie. That

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1 concludes the recommendations from the
2 Handling Committee. We'll move forward with
3 the Compliance Accreditation and
4 Certification Committee with Andrea.

5 MS. CAROE: The first vote that we
6 are considering is the adoption of the
7 guidance document in regards to private
8 label. This document was reviewed again, re-
9 read, and the 2001, not 2007, document was
10 also read. And it was determined that they
11 are not in conflict to each other. Knowing
12 that, we also recognize that the 2001
13 document needs to be followed up with, and
14 that will be a work item, work plan item for
15 this committee. However, since there is not
16 that conflict at this time, we would like to
17 move forward with the Q&A as a guidance
18 document as was originally presented. Motion
19 is to accept the private label Q&A document
20 as a guidance.

21 MS. JAMES: I second.

22 MR. O'RELL: It's been moved and

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1 seconded by Bea. Discussion on the Q&A
2 question? It's the recommendation response
3 from the Q&A question that was asked to the
4 committee. No discussion?

5 MS. JAMES: I just want to be
6 clear that we're talking about the guidance
7 listing of certifying agent's name on a
8 packaged product. So if you're looking for
9 that.

10 MS. CAROE: It's the first item in
11 Tab A.

12 MR. O'RELL: Any further
13 discussion? Any conflicts of interest?

14 MS. JAMES: Potentially I should
15 disclose that as a retailer that's involved
16 in private label it could be a conflict of
17 interest for me.

18 MR. O'RELL: The Board can
19 consider whether that's a conflict. We
20 appreciate your disclosure according to our
21 Policy and Procedures Manual. Julie?

22 MS. WEISMAN: As a manufacturer of

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1 processed products I think actually probably
2 I should reveal that sometimes I make private
3 label products, that I manufacture products
4 for other entities. I don't know if that
5 would be considered.

6 MR. O'RELL: We'll take one at a
7 time. I appreciate that disclosure. Hue?

8 MR. KARREMAN: I do get private
9 label things made for me sometimes by an
10 herbalist. And he calls things certified
11 organic this and that or not. So. I guess I
12 do have some private label things made.

13 (Laughter)

14 MR. O'RELL: I don't think that,
15 in the Chair's opinion, I appreciate the
16 public disclosure of potential conflicts of
17 interest. I don't see where - I would ask
18 does anybody think they have a material gain
19 by voting on this recommendation? So, okay.

20 Unless there's any other Board members that
21 feel that there is a material conflict of
22 interest. We appreciate the disclosure in

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1 the public record. Okay, we will start the
2 vote with Kevin?

3 MR. ENGELBERT: Yes.

4 MR. O'RELL: Dan?

5 MR. GIACOMINI: Yes.

6 MR. O'RELL: Mike?

7 MR. LACY: Yes.

8 MR. O'RELL: Hue?

9 MR. KARREMAN: Yes.

10 MR. O'RELL: Rigo?

11 MR. DELGADO: Yes.

12 MR. O'RELL: Gerald?

13 MR. DAVIS: Yes.

14 MR. O'RELL: Joe?

15 MR. SMILLIE: Yes.

16 MR. O'RELL: Bea?

17 MS. JAMES: Yes.

18 MR. O'RELL: Andrea?

19 MS. CAROE: Yes.

20 MR. O'RELL: Julie?

21 MS. WEISMAN: Yes.

22 MR. O'RELL: Nancy?

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1 MS. OSTIGUY: Yes.

2 MR. O'RELL: Jennifer?

3 MS. HALL: Yes.

4 MR. O'RELL: Jeff?

5 MR. MOYER: Yes.

6 MR. O'RELL: And the Chair will
7 vote yes. Fourteen yes, the motion carries.

8 MS. CAROE: Thank you. Okay, the
9 next vote item that we had was the standard
10 certificate information document. This
11 document brought to us very valuable input
12 from the industry. We recognize that there
13 will be additions to this document including
14 the categories of certification of the
15 products. We recognize that there is
16 interest in having a requirement for English
17 on the document. We will further investigate
18 that with the program to find out if there is
19 any barriers to doing that. Also, we agree
20 that there should be a list of attachments to
21 tie to the document to its attachments.
22 However, we recognize that there needs to be

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1 more work done as far as the formatting of
2 the document. We did receive a wide variety
3 of input suggesting that what we had in the
4 document was prescriptive. We did have also
5 many requests to have a standard template for
6 that information. So at this time the
7 committee would like to defer this document
8 for further work. Again, we do this because
9 it is not immediately needed. We do want to
10 make sure that this does serve the purposes
11 that we listed in the document and is
12 available for the certifiers to use without
13 too much hardship. So at this time I would
14 like to motion to defer the document on
15 standard certificate format.

16 MS. HALL: Second.

17 MR. O'RELL: It's been moved and
18 seconded by Jennifer. Do we have discussion?
19 Joe?

20 MR. SMILLIE: Yes. On the issue
21 of the prescriptive, you know, we talked
22 about the 8.5x11 with three inches at the

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1 bottom and we got a real range of opinion on
2 that. Some people said that was too
3 prescriptive and then other people said we
4 wanted a template. I just wondered which
5 direction you want to head?

6 MS. CAROE: I want to head into
7 investigating it further since it is confused
8 at this point.

9 MR. SMILLIE: Okay.

10 MR. O'RELL: Nancy?

11 MS. OSTIGUY: I'd like to offer
12 that actually those two recommendations
13 aren't necessarily contradictory. If you are
14 given a list of requirements that you have to
15 meet but you are going to have to make up the
16 form, that can be much more time-consuming
17 than looking at a recommended document and
18 saying, okay, that works but we need this
19 little bit of information in there. So I can
20 see how a template can be incredibly useful.

21 You can adopt it wholesale, you can make
22 minor changes if we don't want to be

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1 absolutely prescriptive, but you don't have
2 to go through the work of figuring out the
3 layout. So.

4 MS. CAROE: Thank you.

5 MR. O'RELL: Any additional
6 discussion? Hearing none, I'll ask if there
7 are any conflicts of interest? We have a
8 motion to defer the recommendation. Andrea,
9 would you read the motion one more time?

10 MS. CAROE: The motion is to defer
11 for further committee work - defer the
12 recommendation on standard certificate format
13 for further committee work.

14 MR. O'RELL: Thank you. So we'll
15 take the vote. Dan?

16 MR. GIACOMINI: Yes.

17 MR. O'RELL: Mike?

18 MR. LACY: Yes.

19 MR. O'RELL: Hue?

20 MR. KARREMAN: Yes.

21 MR. O'RELL: Rigo?

22 MR. DELGADO: Yes.

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1 MR. O'RELL: Gerald?

2 MR. DAVIS: Yes.

3 MR. O'RELL: Joe?

4 MR. SMILLIE: Yes.

5 MR. O'RELL: Bea?

6 MS. JAMES: Yes.

7 MR. O'RELL: Andrea?

8 MS. CAROE: Yes.

9 MR. O'RELL: Julie?

10 MS. WEISMAN: Yes.

11 MR. O'RELL: Nancy?

12 MS. OSTIGUY: Yes.

13 MR. O'RELL: Jennifer?

14 MS. HALL: Yes.

15 MR. O'RELL: Jeff?

16 MR. MOYER: Yes.

17 MR. O'RELL: Kevin?

18 MR. ENGELBERT: Yes.

19 MR. O'RELL: And the Chair votes

20 yes. The motion to defer carries, 14 yes.

21 Last one.

22 MS. CAROE: Okay. The last

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1 document that we have for vote is the
2 document for rule change to require
3 expiration dates on certificates. Again, I
4 just want to reiterate this is expiration of
5 the document, not expiration of the
6 certification. And at this point the
7 committee is prepared to move forward and
8 offer this for vote to accept the
9 recommendation as written, no changes.

10 MS. OSTIGUY: Second.

11 MR. O'RELL: We have a motion to
12 move forward with the recommendation as it
13 was posted and a second. Is there
14 discussion? Nancy?

15 MS. OSTIGUY: There were comments
16 made by speakers yesterday and the day before
17 over expiration, date of issuance and I'm not
18 quite sure what to think about the pros and
19 cons of those various ideas. What was the
20 committee's thinking?

21 MS. CAROE: When considering those
22 issues it did not appear that they - there

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1 was no change to the logistics. There was no
2 reason for those. I think the word
3 "expiration" the reason I clarified that it
4 was the document expiring and not the
5 certificate is that's the reason people are
6 getting hung up with the word "expiration."
7 We're talking about a document expiring.
8 Just like your credit card may expire it
9 doesn't mean your account is gone.

10 MR. O'RELL: Jennifer?

11 MS. HALL: I have two points.
12 One, given that we're trying to make explicit
13 that it's the certificate that 205.404(b)(2)
14 effective period of the certificate instead
15 of certification? Is maybe the word we want
16 to use. In the line that we're changing.

17 MS. CAROE: (b)(2)? The effective
18 period of certification including.

19 MS. HALL: That is actually the
20 certificate, not the certification.

21 MS. CAROE: Of the certificate.
22 Valerie, can you make that change? It's

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1 under the recommendation (b)(2).

2 MS. FRANCES: The effective period

3 -

4 MS. CAROE: Right. The word
5 "period" is in bold.

6 MS. FRANCES: Yes. And -

7 MS. CAROE: Change "certification"
8 to "certificate."

9 MS. FRANCES: Okay.

10 MS. CAROE: And add "the" in front
11 of.

12 MS. HALL: Right. And then
13 secondly, that I do have concerns about using
14 "expiration date." From a consumer standpoint
15 I actually disagree with one of the comments
16 that was brought up about it being the onus
17 of the consumer to have to find out what the
18 effective date is at farmer's markets. I
19 think it's a really valuable tool for them to
20 understand whether or not they're valid
21 without having to go look it up or ask or
22 whatnot like that. I don't think the burden

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1 should be the consumer's. But on the other
2 side of that when it does say expiration date
3 I think that that is a disservice to small
4 farmers in that same situation, that many
5 times they may not get certified on time and
6 may be waiting for that letter of extension
7 or whatever. So I would like to see it be
8 annual renewal date, or something that's not
9 quite as - or annual inspection date, or
10 something of that nature that's not quite as
11 defining, that looks like they're out of
12 compliance where the consumer audience
13 doesn't recognize the additional six months
14 that they might have to figure that out.

15 MR. O'RELL: Andrea?

16 MS. CAROE: In considering annual
17 monitoring date, renewal date, those sort of
18 things, it's not apparent if that date has
19 passed if they're out of compliance or not.
20 That's why expiration dates was considered
21 more appropriate because you could be past
22 your monitoring date and still within the

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1 grace period, or maybe you're not following
2 through with your annual monitoring and that
3 certificate is long gone. It's not, you
4 know. So the expiration date was to be clear
5 for processors and consumers that this was
6 indeed - is not - it is a requirement of the
7 certifiers to annually monitor. And we did
8 put a vehicle in here for extensions, letters
9 of extension, to continue that in those cases
10 where, you know, the crop is in the field or
11 the inspectors can't get out there for
12 whatever reason consistent with the
13 regulation.

14 MR. O'RELL: Hue?

15 MR. KARREMAN: I think Jennifer
16 had a good point, though. At like farmer's
17 markets, you know, if you have two farmers
18 and they're both posting their certificate
19 and one is expired it's like looking at two
20 cartons of milk. I'm going to go to the one
21 that's not expired. Is that what you were
22 trying to say, Jennifer?

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1 MS. HALL: Yes, or just because
2 it's not as valuable a tool for them to
3 express the validity that they're organic.
4 And I kind of feel like in 205.406(b) where
5 it says that the continuation of
6 certification in issuing an updated
7 certificate of organic inspection on the
8 basis of the information submitted in the
9 most recent on-site inspection conducted
10 during the previous 12 months doesn't
11 insinuate that it's an annual requirement.
12 Or does mandate, not just insinuate.

13 MS. CAROE: The regulation
14 mandates the annual requirement. It's there.
15 It's already existing.

16 MS. HALL: Right.

17 MS. CAROE: And just to address
18 you, Hue.

19 (Laughter)

20 MS. CAROE: I didn't mean that.
21 We do want this for protection of the
22 consumers at farmer's market, the protection

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1 of processors buying ingredients. If that's
2 expired and they're no longer in compliance
3 with their annual monitoring, you know, we
4 don't have a real tool, a real-time tool to
5 look at that right now. So you know, you can
6 have a certificate that's three or four years
7 expired right now without anybody really
8 knowing that, you know. It's issued - the
9 certifier doesn't have a control over that to
10 take that document back from you if they ever
11 de-certify you or suspend you. So you could
12 continue to use it all you want for years.
13 With expiration date, you could do that for a
14 limited time, but you're not going to get
15 another document with the new dates on it, or
16 effective dates.

17 MR. KARREMAN: All right, then I'm
18 confused then. This document being presented
19 is asking to show expiration dates?

20 MS. CAROE: Yes.

21 MR. KARREMAN: Good. Okay.

22 MR. O'RELL: Joe?

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1 MR. SMILLIE: Just one other point
2 and that is that 6-month extension. You
3 know, that's a very useful tool and it
4 doesn't make the certificate less. It
5 really, you know, it does specifically state
6 that document that there's an extension. So
7 with that document in hand at a farmer's
8 market it's valid as a certificate. And it's
9 - I think six months is reasonable.

10 I think the certifier community is
11 mixed on this issue, haven't gotten used to
12 the other one and there's a bunch of things,
13 but from my point of view, personally, I
14 can't speak for all the certifiers, it also
15 creates a compliance tool that's really
16 valuable. And again, it was mentioned
17 something it would make sure you get your
18 fees paid on time. Well, that's one issue,
19 but actually that's not the worst one. The
20 worst one is, you know, these non-compliances
21 that are issued to clients. Most clients
22 have a certain level of non-compliances,

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1 minor. And if they've got their certificate,
2 there's just a lot less compelling need to
3 get back to the certifier and resolve the
4 compliances, you know. They'll do it, but
5 you know, pulling teeth and stretching.
6 Well, you know, we're past our annual
7 monitoring date, we're coming back again, we
8 still haven't gotten this non-compliance
9 corrected. And with the expiration on the
10 certificate I think we'll get better response
11 from well-meaning clients who have some non-
12 compliances to clear up.

13 MR. O'RELL: Valerie.

14 MS. FRANCES: I just think you
15 have a grammatical problem with (b)(2).
16 Effective period of the certificate include -
17 including, and include.

18 MS. CAROE: Which includes.

19 MS. FRANCES: Which includes.

20 MS. CAROE: To include.

21 MS. FRANCES: Okay.

22 MS. CAROE: Thank you.

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1 MR. O'RELL: Thank you. Dan?

2 MR. GIACOMINI: Sorry.

3 MR. O'RELL: No Bea, then Dan.

4 MS. JAMES: I appreciate the
5 perspective of looking at how certificates
6 affect somebody like a farmer's market. On
7 the retail side I guess I'm just kind of
8 reiterating a little bit of what Joe was
9 saying. If you have certification and
10 actually having that expiration date in
11 keeping track of all of the certificates that
12 you have to try to keep track of, it's very,
13 very cumbersome and difficult to try to
14 manage all the paperwork without the
15 expiration date on the certificate. So
16 there's, you know, for some areas it might be
17 better to not have the expiration date, but
18 for the majority of people that actually are
19 using administratively the certificate to
20 help manage certification, it's a positive
21 thing to have the expiration date. So I just
22 wanted to make that point.

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1 MR. O'RELL: Dan?

2 MR. GIACOMINI: I appreciate all
3 the work that has been done by the committee
4 on this and I certainly support the overall
5 intent and the general direction. I think
6 there's a lot of positive things that we do
7 here including the issues with inspection and
8 everything. I'm just not quite convinced
9 that putting the expiration date is the best
10 way to go and I think there was enough
11 concern that I heard from certifiers even
12 among the ones who said we need something,
13 and I definitely believe we need something,
14 that personally I would just like us to
15 reconsider this maybe a little bit more.

16 MR. O'RELL: The Chair will
17 recognize Jim Riddle, past Chair of the NOSB.
18 I think he wants his job back.

19 MR. RIDDLE: No, I just want to
20 try and offer a little language change to
21 make it clear that it's the expiration date
22 on the certificate. And if you just consider

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1 that it read "the effective period of
2 certification including the effective date
3 and expiration date of the certificate."
4 That separates the issue of expiration of
5 certification because the way it reads right
6 now I think it's unclear, it's confusing.
7 It's lumping the two in the same phrase
8 unless you make it clear that it's the
9 expiration date of the certificate.

10 MR. O'RELL: You're suggesting
11 effective - could you read that one more
12 time?

13 MR. RIDDLE: Yes. The way it
14 reads, effective period of certification,
15 comma, including the - that's just
16 grammatical. So including the effective date
17 and expiration date of the certificate. Is
18 that?

19 MS. JAMES: I accept that.

20 MR. RIDDLE: Okay, thanks. Just
21 trying to be helpful.

22 MR. O'RELL: Always, thank you.

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1 The committee is fine with that. Thank you,
2 Jim.

3 MS. JAMES: We miss your
4 wordsmithing, Jim.

5 MR. KARREMAN: Okay. Just one
6 question on that.

7 MR. O'RELL: Yes.

8 MR. KARREMAN: When it says
9 effective period of the certification, the
10 certification is for life I thought. Like a
11 driver's license. So is that actually, Jim,
12 would that be correct grammatically? Is
13 there an effective period of the
14 certification? I thought once you're
15 certified, you're certified? Right, but an
16 effective period would be like Point A to
17 Point B chronologically.

18 MR. RIDDLE: You're not certified
19 for life. You have to keep doing certain
20 things. You have to keep complying. You
21 have to pay your fees. You have to file an
22 annual update. You have to be reinspected.

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1 It's not just a given that because you're
2 still alive you're still certified.

3 (Laughter)

4 MR. KARREMAN: I realize that,
5 Jim. Thank you for that clarification. All
6 right so that seems fine, I mean if
7 everyone's fine with that.

8 MR. O'RELL: Gerry?

9 MR. DAVIS: So this wording change
10 in the Board's opinion does not backtrack on
11 what we were trying to fix a little while ago
12 on this?

13 MR. O'RELL: I think it's
14 providing clarification.

15 MS. CAROE: It's syntax.

16 MR. O'RELL: So I would ask
17 Valerie, because this is the only change
18 we've made in this document that was posted,
19 could you just read one more time what we
20 have up there for clarification?

21 MS. FRANCES: Just that line?

22 MR. O'RELL: Just that line. No,

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1 the whole document.

2 MS. FRANCES: The whole section
3 (b)?

4 MR. O'RELL: Just that line. I'm
5 sorry.

6 MS. FRANCES: All right. While
7 the certifying agent must issue a certificate
8 of organic operation which specifies the (2)
9 effective period of certification to include
10 the effective date and expiration date of the
11 certificate.

12 MR. O'RELL: Jennifer?

13 MS. HALL: Sorry, I just still
14 think it's murky and I would like to change
15 it to just read effective date and expiration
16 date of the certificate.

17 MR. O'RELL: Effective date and
18 expiration date of the certificate.

19 MR. O'RELL: Kevin?

20 MR. ENGELBERT: I agree with
21 Jennifer and I see Hue's point. It's going
22 to be almost impossible for an agency to

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1 specify the certification period on a
2 certificate.

3 MR. O'RELL: Okay, Jennifer is
4 suggesting language. Let's have a
5 discussion.

6 MS. WEISMAN: I would add one word
7 into your phrase. I would say effective date
8 of certification and expiration date of
9 certificate.

10 MR. O'RELL: Oh, that's good. I
11 like that. Because then we keep it separate
12 as Jim Riddle had mentioned to do. Okay,
13 Dan?

14 MR. GIACOMINI: Could we
15 accomplish the same thing just by changing
16 "certification" to "certificate" ?

17 MS. CAROE: That's where we
18 started.

19 MR. O'RELL: You don't want it
20 lumped together.

21 MS. CAROE: That was like 15
22 minutes ago.

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1 MR. O'RELL: I would just like for
2 clarification, again, Valerie, read what was
3 last put up.

4 MR. DAVIS: She doesn't have that
5 down.

6 MS. FRANCES: I wasn't clear what
7 was -

8 MR. O'RELL: You don't? Okay.
9 Then Julie, would you please?

10 MS. WEISMAN: All right, (b), the
11 certifying agent must issue a certificate of
12 organic operation which specifies the
13 effective date of certification and
14 expiration date of the certificate.

15 MR. O'RELL: Okay. That sounds
16 good. And the committee accepts that
17 amendment. Kevin?

18 MR. ENGELBERT: Julie didn't have
19 a "the" after, and I just wanted to - that
20 "the" needs to be removed.

21 MS. WEISMAN: I admit it. You're
22 right, you're right. Of certificate.

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1 Expiration date of the certificate.

2 MR. ENGELBERT: The date of
3 certification.

4 MR. O'RELL: Okay. Do you think
5 you have it?

6 MS. FRANCES: Do I got it?

7 MR. O'RELL: I can't see it.

8 MS. FRANCES: Effective date of
9 certification and the expiration date of the
10 certificate.

11 MR. O'RELL: Yes, bingo, thank
12 you. Okay. Any further discussion? Any
13 conflict of interest to declare?

14 MR. SMILLIE: Well, I work with
15 these documents all the time. I don't think
16 I have a conflict of interest.

17 MR. O'RELL: Just a disclosure
18 that you do work with these documents and
19 you're -

20 MR. SMILLIE: Oh. Every day.

21 MR. O'RELL: Yes.

22 MR. SMILLIE: I work with these

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1 documents every day and I'm disclosing that I
2 work with these documents every day. I don't
3 have a conflict of interest. I have no
4 material gain to make.

5 MR. O'RELL: That's fine, we
6 accept that Joe, you don't have to - we just
7 - it's not an inquisition. Okay. We're
8 going to - we have a motion, we have
9 seconded, we're voting on accepting the
10 recommendation from the CAC on expiration
11 dates on certificates of organic operation as
12 amended. And we'll start the vote with Mike.

13 MR. LACY: Yes.

14 MR. O'RELL: Hue?

15 MR. KARREMAN: Yes.

16 MR. O'RELL: Rigo?

17 MR. DELGADO: Yes.

18 MR. O'RELL: Gerald?

19 MR. DAVIS: Yes.

20 MR. O'RELL: Joe?

21 MR. SMILLIE: Yes.

22 MR. O'RELL: Bea?

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1 MS. JAMES: Yes.

2 MR. O'RELL: Andrea?

3 MS. CAROE: Yes.

4 MR. O'RELL: Julie?

5 MS. WEISMAN: Yes.

6 MR. O'RELL: Nancy?

7 MS. OSTIGUY: Yes.

8 MR. O'RELL: Jennifer?

9 MS. HALL: Yes.

10 MR. O'RELL: Jeff?

11 MR. MOYER: Yes.

12 MR. O'RELL: Kevin?

13 MR. ENGELBERT: Yes.

14 MR. O'RELL: Dan?

15 MR. GIACOMINI: No.

16 MR. O'RELL: And the Chair votes

17 yes. With 13 yes, one no, the motion

18 carries.

19 MS. CAROE: Who seconded?

20 MR. O'RELL: Nancy. And I thank

21 the CAC and we have concluded the voting on

22 recommendations to the program. Well, I'd

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1 like to at least move on with, because we did
2 take a rather extensive break and we're a
3 little behind schedule. But I understand if
4 somebody needs to shuffle back and forth we
5 can do that. I'd like to continue at least
6 with the presentation of the committee work
7 plans by the Chairs. If we have a volunteer
8 to go first, who's ready?

9 MR. DELGADO: Mr. Chair, I'm
10 ready.

11 MR. O'RELL: Rigo. Rigo's ready
12 to go.

13 MR. DELGADO: Mr. Chair, members
14 of the Board, we have four items on the plan
15 here. The first one is to finalize the new
16 member guide. We need to include a couple of
17 sections there that involve the NOP. The
18 second item is to set up the research
19 variance ad hoc committee. That's working
20 together with members of the Crops and
21 Livestock Committee as well as the PDC.
22 Third item on the list is continue with our

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1 work in temporary research variances.

2 Essentially we want to finalize the guidance
3 for certification of operations participating
4 in research. That's the document that we
5 need to finalize.

6 Last item includes updates to the
7 Policy and Procedures Manual. We have four
8 general specific actions there. The first
9 one is a follow-up of an item that we've been
10 carrying on since last year and that's
11 developing a clarification of deferral. And
12 we hope to complete this this time. Second
13 one is developing procedures for the
14 transition of committee Chairs. It was
15 obvious in this session that we need to put
16 something in place. Then we also need to
17 update the NOSB committee recommendation form
18 to specify the uses of petitioned materials.

19 So we would like to include that in the
20 form. And finally we just would like to
21 review the general format of the PPM, Policy
22 and Procedures Manual, to make sure that we

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1 have consistency throughout and the nice
2 introductory paragraphs to each section. So
3 that is the plan for us. If you have any
4 questions.

5 MR. O'RELL: I would like to see
6 maybe we could add a format for putting
7 together recommendations? Oh, I'm sorry.

8 MS. CAROE: No, that was for
9 materials only, but you're talking about
10 other recommendations as well?

11 MR. O'RELL: You're talking about
12 for materials format?

13 MR. DELGADO: That's correct, yes,
14 and you were talking about?

15 MR. O'RELL: Well, I think maybe
16 that would cover it. I'm sorry I missed
17 that. I spaced out. So, okay. Bea?

18 MS. JAMES: I wanted to make sure
19 that I understood you correctly, Rigo. We
20 had talked about putting together the
21 succession plan. Is that what you meant when
22 you were talking about committee Chairs?

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1 MR. DELGADO: That is correct,
2 yes.

3 MS. JAMES: Okay. And did you
4 also have on there putting together
5 procedures for presenting committee action
6 items and recommendations?

7 MR. DELGADO: No, I did not in
8 those specific words. And you did mention
9 that in your -

10 MS. JAMES: Yes, I would like to
11 add that.

12 MR. DELGADO: Absolutely.

13 MS. JAMES: And lastly, I would
14 also like to continue to work with the NOP on
15 the removed section from the new member
16 guide.

17 MR. DELGADO: Yes, that's what I
18 meant by the first point. Yes.

19 MR. O'RELL: Nancy?

20 MS. OSTIGUY: Can I make a
21 suggestion on the committee recommendations
22 for materials that there be space to actually

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1 write out specifically what the motion is.

2 MS. CAROE: Yes, that's like top
3 on the list.

4 MS. OSTIGUY: Yes. It's a piece
5 that I've found very missing.

6 MR. DELGADO: Yes.

7 MR. O'RELL: Good.

8 MR. DELGADO: Good, thank you.

9 MR. O'RELL: Thank you, Rigo.

10 Crops? Gerald?

11 MR. DAVIS: The Crops Committee
12 work plan is, number one, to participate in
13 the ad hoc committee set up by Policy
14 Development to continue the work on the
15 research variance document. And, number two,
16 accomplish the information-gathering on
17 hydroponics solicited from the certifiers and
18 analyze the information and discuss whether
19 to proceed with the guidance document.
20 Number three, continuing petitions: potassium
21 silicate, possibly sulfuric acid in manure,
22 depending on the petitioner's response. New

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1 petitions: pelargonic acid, sodium carbonate
2 peroxyhydrate, sodium ferric hydroxy EDTA,
3 sorbitol octanoate, sulfuric acid, and
4 tetracycline.

5 MR. O'RELL: Any questions for
6 Gerald and the Crops Committee?

7 MS. CAROE: Can you just repeat
8 that first item on your Crops list?

9 MR. DAVIS: Pelargonic acid.

10 MS. CAROE: No, no, the first
11 item.

12 MR. DAVIS: First item? I'm
13 sorry. To participate in the ad hoc
14 committee.

15 MS. CAROE: Okay thank you.

16 MR. DAVIS: To continue work on
17 the temporary research variance document.

18 MR. O'RELL: Any other questions
19 for Gerald and the Crops Committee? Thank
20 you, Gerald. Mike, want to move to?

21 MR. KARREMAN: I have a question.

22 MR. O'RELL: Yes, Hue.

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1 MR. KARREMAN: You mentioned
2 tetracycline as the very last word there. Is
3 that - was that - did that go through sunset?
4 So is that going to be?

5 MR. DAVIS: There is a petition
6 for expanded use. I haven't seen it yet, but
7 it's on the list.

8 MR. O'RELL: Thank you. Mike?

9 MR. LACY: Thank you, Kevin.
10 We're - Livestock Committee is working on its
11 succession plan and Hue is going to present
12 our work plan.

13 MR. KARREMAN: Secession?
14 Succession.

15 MR. LACY: We're going to secede,
16 yes.

17 MR. O'RELL: He's from the South.

18 MS. CAROE: He is from the South.

19 (Laughter)

20 MR. KARREMAN: All right,
21 Livestock Committee work plan includes our,
22 well, our main focus and priority will be to

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1 move forward with the process of drafting the
2 organic aquiculture standards. And Kevin
3 Engelbert and myself will be working with
4 Andrea and Joe on that towards writing a
5 document that hopefully we can have a draft
6 standard prepared by next spring, the spring
7 meeting 2007. And then the aquiculture
8 working group is going to continue to work on
9 recommendations for shellfish and we'll
10 continue to work with them as they finalize
11 those, but at this point we can't provide
12 anyone with a timeframe unfortunately.

13 And as was mentioned yesterday, we
14 definitely look forward to bring closure to
15 the pasture issue and remain ready to assist
16 the NOP in any way possible at any time.
17 Likewise we look forward to the ANPR from the
18 NOP relative to the dairy animal replacement
19 dilemma. And we have, you know, formally
20 submitted a guidance statement asking for a
21 single acquisition method, namely the last
22 third of gestation after you're certified, no

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1 matter how you were certified or when. And
2 again, we stand ready to help in any way.
3 And we'll be working with the NOP to see what
4 we can do to assure future annotations like
5 the withdrawal times for medications can be
6 applied to materials. In other words,
7 hopefully we can help if there's process in
8 the FDA and whatnot.

9 Oh, and also we've had the issue
10 of defining better what outdoor access for
11 poultry means on our work plan for a year,
12 but we simply haven't had the time because of
13 the aquiculture issue, the pasture symposium
14 and all that went with that, and also the
15 dairy replacement issue. And as time allows
16 we will work on that issue of poultry outdoor
17 access. And finally we'll also work with
18 Rigo on defining research variances
19 appropriate for organic livestock.

20 MR. O'RELL: Any questions for
21 Hue? Bea?

22 MS. JAMES: The pasture symposium

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1 that we had was extremely valuable for I
2 think the entire Board. I don't want to
3 speak for everybody, but I know it was for me
4 and I think it was for everyone else. And I
5 see aquiculture as being a pretty complex
6 issue, and we had a lot of really excellent
7 comments and expertise that came up and
8 helped enlighten us. And I would like to ask
9 if it is possible for the NOP to consider a
10 symposium on aquiculture for the NOSB. And
11 I'm inserting that in with Livestock because
12 I would see that that would be something that
13 you would work on in conjunction with
14 Livestock. If we could do that in Hawaii.

15 (Laughter)

16 MR. O'RELL: I agree, Bea. Kevin,
17 did you have a?

18 MR. ENGELBERT: Just that we could
19 make a motion right now for that.

20 MR. O'RELL: Mark, did you have a
21 comment on that?

22 MR. BRADLEY: I'm not real sure.

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1 Are you asking me if you're going to ask
2 that, or are you asking me now and want an
3 answer now?

4 MS. JAMES: No, I'm asking if you
5 would consider a symposium on aquiculture. I
6 think that there's a lot more that we need to
7 learn.

8 MR. BRADLEY: They're similar but
9 very different issues. The level of concern
10 that existed and the amount of controversy
11 that surrounded pasture lent itself very well
12 to a very public hearing with a lot of input
13 from a lot of different sources that
14 supported the direction that the program's
15 taking and the way that the Board was able to
16 respond to all that. It was also very
17 expensive. I think we probably spent upwards
18 of \$70,000 out of a fixed budget that we have
19 for federal advisory committee activity. I'm
20 not going to say no, and maybe something
21 that's of a more controlled scale in
22 conjunction with the Board meeting again. I

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1 would not be opposed to something like that.

2 Is that a - did I dodge that bullet?

3 MS. JAMES: Can I respond? I
4 guess I would just, I mean I'm not sure if we
5 need something to the extent of pasture even
6 though I wouldn't rule it out. But if there
7 were the opportunity to have an hour or two
8 of people in the aquiculture industry at one
9 of our meetings to be able to help give us
10 more guidance I think it would be very
11 valuable. Because I see it as an extremely
12 important issue.

13 MR. BRADLEY: Agreed.

14 MR. O'RELL: Mike?

15 MR. LACY: Kevin, I think Bea's
16 got a good point. I think the aquiculture
17 will be different than the pasture in that
18 there are few areas of contention in
19 aquiculture and many areas where everybody
20 agrees on probably the direction that we're
21 going to go with aquiculture. So I think
22 really on a really scaled-down version we

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1 could have experts come in to talk on those
2 particular stumbling areas and not have to go
3 to the extent of a symposium and all the
4 expense on that. We actually talked about
5 trying to bring George Lockwood to this
6 meeting to address the group and decided that
7 it would be better to wait until we get those
8 draft standards together and then have him
9 come. So I think Bea's got a good point but
10 it probably doesn't need to go to a symposium
11 level. It can probably go to some experts
12 that we call in.

13 MS. JAMES: Just one more response
14 then I'll leave it alone. I just want to
15 respond to that, that the advantage of
16 actually having a focused time is that these
17 people that do come in get more than five or
18 ten minutes and I think that that's valuable.

19 MR. LACY: Yes, I agree with that.

20 MR. O'RELL: Nancy?

21 MS. OSTIGUY: We've done this in
22 the past on different topics where we've

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1 asked experts to come in to speak to the
2 Board and it has been for an extended period
3 of time but it's short of a full symposium.

4 MR. KARREMAN: Right, for instance
5 like the FDA guys that came.

6 MR. O'RELL: Jennifer?

7 MS. HALL: I do think this one's a
8 little bit different too in the sense that
9 livestock has been included under the rule up
10 to now so I feel like we're more intimate
11 with that community and they know how to use
12 the system a little bit better. And I think
13 that that opportunity should be afforded to a
14 whole new community of producers and that
15 there actually might be more heightened
16 concern than we're aware. If we open that
17 door a little bit we might be able to cut it
18 off at the pass and avoid getting there by
19 being backed in the corner.

20 MR. O'RELL: Dan?

21 MR. GIACOMINI: I totally agree
22 with the idea that Bea is proposing. I would

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1 just like to make a technical correction and
2 shift it to the Executive Committee as a
3 possible work plan because we do have some
4 other possible things that we're going to be
5 going to NOP with that may alter how we're
6 requesting their use of limited funds in the
7 next year.

8 MR. O'RELL: Joe?

9 MR. SMILLIE: Yes, I'm new to the
10 process so my question is it comes down to
11 our time, which we seem to be freely willing
12 to give. The other question is money and I'm
13 just wondering does this have to be funded
14 through current funds? I think that industry
15 could fund a symposium under our direction.
16 I don't know if that's possible.

17 MR. KARREMAN: Are you offering
18 that from QAI?

19 MR. SMILLIE: No, no, no.

20 (Laughter)

21 MR. SMILLIE: I'm just saying the
22 aquiculture industry per se and the groups

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1 there. I'm just asking. If money's the
2 issue and we can't do it because of our
3 limited budget are there just other ways to
4 create the symposium. Not the control of it,
5 just the funding of it. That's what's done
6 in the private sector at all times. I'm
7 attending a food safety conference in
8 Wisconsin that's run by the university and
9 it's funded by private sources.

10 MR. O'RELL: Rigo?

11 MR. DELGADO: I wouldn't like that
12 idea being expanded. I would like to really
13 exhaust the possibilities that we're getting
14 funding from the NOP simply because we might
15 have some misinterpretations that we have
16 private funding coming to support this
17 activity. And we really need to have
18 extremely objective information thrown at us.

19 MR. O'RELL: Well, maybe this is
20 something on the work plan and Livestock you
21 can seek counsel with the Policy Development
22 Committee and come back with a recommendation

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1 after you've thought out several of the
2 options that have been discussed here. I
3 think that a lot of good things have been
4 thrown on the table. So I would still put it
5 back on the Livestock committee to come back
6 and seek advice from the Policy Development
7 Committee as well as what some
8 recommendations might be appropriate going
9 forward. Thank you. CAC?

10 MS. CAROE: We only have three
11 things on our list. First item is to follow
12 up with the deferred recommendation that we
13 have on standard certificate format. The
14 second item is to continue the work on peer
15 review process, peer review procedure in
16 collaboration with the program investigating
17 all the alternatives and their benefits to
18 the program, to the community. And lastly,
19 we're going to follow up on that July 2001
20 recommendation for rule change that was
21 referenced during this meeting. That's it.

22 MR. O'RELL: Thank you, Andrea.

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1 Any questions for Andrea? Bea?

2 MS. JAMES: I would also like to
3 add to the committee work plan looking at
4 defining the role of retail certification
5 when it comes to private label products.
6 Because we had talked about defining that a
7 little bit better. The role of the actual
8 retailer. Because currently in the guidance
9 document that we put out we said that if
10 somebody seeks voluntary certification and
11 they want to use that certifying information
12 on the final product, that they can do that
13 and they inherit the responsibilities that
14 come with doing that. However, in the case
15 of a retailer, you have several departments,
16 and if one department is certified it's a
17 separate issue. It's a separate issue, and
18 so I'm proposing it as a separate issue that
19 we look at defining that if you're certified
20 in one little area, you can't go and use that
21 on a final product. We have to define that
22 better.

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1 MS. CAROE: We accept that
2 addition to the work plan to define
3 certification of retail establishments and
4 all the specifics that go along with that.

5 MS. JAMES: Thank you.

6 MR. O'RELL: Thank you, Bea.
7 Thank you, Andrea. Julie from the Handling
8 Committee, please.

9 MS. WEISMAN: There's a lot more
10 on my list than yours. That doesn't seem
11 fair. Number one, I have reviewing petitions
12 as complete petitions are given from the
13 program. And I actually, there's 44 things
14 on the list right now by my count, so I am
15 not going to list them all individually if
16 that's okay with everyone.

17 MR. O'RELL: That's fine. We know
18 they're on your work plan.

19 MS. WEISMAN: Okay. Number two is
20 the re-work of ag/non-ag. We've specified a
21 lot yesterday and today about what still
22 needs to be done so I won't go into the

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1 details right now. Also, awaiting patiently
2 the green light to continue our work on
3 synthetic/non-synthetic. That's the third
4 item. Fourth item is to now take the report
5 of the Pet Food Task Force and begin the task
6 of how to make them into standards. Five, I
7 still need to appoint a Vice Chair. I
8 haven't had a Vice Chair all year, so that's
9 a task. And respond to NOP Q&A's as needed.

10 One other, commercial availability
11 I did not put on this list. I'm very happy
12 that that's not here anymore, but there is
13 one little item that is remaining. The item
14 that we struck this morning needs to be
15 addressed and I propose that because it's a
16 certifier, it's about the certifier's role, I
17 propose that either it be moved to the CAC's
18 work plan or that we form an ad hoc committee
19 including certification and handler committee
20 members.

21 MS. CAROE: What was the issue
22 again?

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1 MS. WEISMAN: The issue was how
2 much information and in what form can the
3 certifier give to either their clients or
4 certified applicant without running afoul of
5 conflict of interest.

6 MR. GIACOMINI: The deleted number
7 three we took a break for.

8 MS. CAROE: We accept that
9 addition to our list, reluctantly.

10 MS. WEISMAN: Is that it? That's
11 it for Handling Committee.

12 MR. O'RELL: Any questions for
13 Handling Committee? Thank you, Julie.

14 MS. FRANCES: Actually, I have one
15 thing. Do you want to clarify the petitioned
16 materials versus 606 or 605, all of it?

17 MS. WEISMAN: All of it. I mean,
18 I will make a note that their one item has a
19 little flashing light for me which is a
20 605(a) material, fructoogliosaccharides
21 because that's been in the pipeline for
22 awhile and now there is a TAP review complete

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1 so we actually have everything that we need
2 now. It may even have been the case before
3 this meeting but we had our nose to the
4 grindstones on other things, so I will note
5 that I'm aware that this is an item that is
6 now ready for committee review for the next
7 meeting.

8 MR. O'RELL: Okay. Any other
9 questions for Julie?

10 MS. WEISMAN: Is that enough?

11 MR. O'RELL: That's fine. Thank
12 you, Julie. Dan, Materials?

13 MR. GIACOMINI: The work plan for
14 the Materials Committee is to manage and
15 proceed with the petition process for 606
16 petition items and other section petitioned
17 items in cooperation with the respective
18 committees that they are involved with. To
19 cooperate with the Executive Committee to
20 coordinate any additional possible meetings
21 that we can arrange through the program to
22 help us through the 606 process in a timely

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1 fashion. To cooperate with the Handling
2 Committee on the continuation of the ag/non-
3 ag document and to move forward with the
4 synthetic/non-synthetic document as it's
5 allowed.

6 MR. O'RELL: Any questions for
7 Dan, Material Chair?

8 MS. CAROE: Just you have the 606
9 process but you also - a standing item is to
10 follow up with the petitions that are in the
11 queue somewhere? I mean, not just 606 but
12 all petitions.

13 MR. GIACOMINI: No, it was all
14 other section petitioned items also.

15 MS. CAROE: Okay.

16 MR. GIACOMINI: I just - rather
17 than saying "all items," I made a note that
18 606 was a particular priority.

19 MS. CAROE: Okay.

20 MR. GIACOMINI: The -

21 MS. CAROE: Well, but you also
22 have the process, the flow chart of 606.

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1 MR. GIACOMINI: Well, what I'm
2 referring to is the process of getting them
3 approved. That's what I'm referring to as
4 the process.

5 MS. CAROE: Okay. Then I would
6 suggest the addition of the flow chart for
7 606 with the timeline for the 606 review
8 process.

9 MR. GIACOMINI: We said that.

10 MR. O'RELL: Any additional
11 questions for Dan? I'm sorry, Joe, I didn't
12 see you.

13 MR. SMILLIE: What hasn't come up
14 in the discussion on the 606 process? Again,
15 maybe I'm a little fuzzy on it, but what is
16 the status of the expedited review process?

17 MS. CAROE: Emergency provision?

18 MR. SMILLIE: Emergency
19 provisions, yes. We haven't talked about
20 that the last three days, and I remember that
21 was a fairly interesting item that we never
22 got any kind of firm response from the

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1 program on. I just thought I should - at
2 least, I can't recall us talking about it at
3 all.

4 MR. O'RELL: Andrea?

5 MS. CAROE: It is my understanding
6 that the emergency provision is a function of
7 the program and not of the Board. So I don't
8 - although we want to be informed on it, I
9 don't believe, unless somebody at the program
10 tell me if you're waiting for us to take
11 action on this, but I kind of feel like we're
12 going to react to what the program does on
13 that.

14 MR. SMILLIE: That's my
15 understanding also, but I guess what I would
16 ask for is an update from the program on
17 their current thinking on this issue.

18 MR. BRADLEY: Part of what we have
19 been thinking on this issue is to see how the
20 process settles out with what the Board wants
21 to do and what the level of their involvement
22 would be with an expedited process. It's

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1 becoming apparent to me that we're going to
2 really need one if we're going to keep some
3 of these things available for use by the
4 industry. And anything that we do, that we
5 develop at the program level we will
6 absolutely do it in collaboration with the
7 Board. I'm discussing working with the
8 various committees and the Executive
9 Committee on how we're going to move these
10 materials through the process quickly and to
11 see what kind of legal corner-cutting we can
12 do to get them out there for that one year
13 allowance that would give them additional
14 time to be more thoroughly reviewed. But we
15 would work with the Board on that.

16 MR. O'RELL: Thank you, Mark. I
17 think this is certainly going to be one of
18 the biggest priorities of the Board going
19 forward is tackling the queue of materials
20 that are on 605 and 606 particularly. And
21 Dan, I guess we'd look to you and your work
22 plan on the Materials Committee to be working

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1 with the program in collaboration to see how
2 we can move this through on a priority basis
3 and how we can expedite, including the timing
4 of the next meeting, the time needed for the
5 Board to review these petitions and to get
6 them through their paces for recommendations,
7 but that we have a public meeting that allows
8 the program sufficient time following that
9 meeting to be able to go through the rule-
10 making process. That's certainly, Dan, a
11 priority both with the Materials Committee
12 and the Executive Committee I think needs to
13 spearhead. Thank you. Any other comments?
14 Jennifer?

15 MS. HALL: I have one. I wasn't
16 sure if there was an Executive Committee
17 report, but I actually like the suggestion
18 and based on a number of the items we've
19 talked about today as far as expediting
20 processes like this and potentially holding
21 an aquiculture symposium that I'd like to
22 suggest that the program and the Executive

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1 Committee work together to reinstate perhaps
2 an annual budget report just so that there's
3 a little more understanding of what
4 prioritizing needs there might be or where
5 the struggles are or what the sacrifices are
6 to making certain decisions. I don't know
7 how detailed that needs to be, but at least a
8 little more information.

9 MR. O'RELL: I think that that's a
10 good comment and certainly something that we
11 could put on for discussion with the program
12 on the next Executive Committee call. Thank
13 you. Any other questions or comments about
14 work plan items? Hearing none we'll go to
15 the next portion of our agenda, recognition
16 of outgoing Board members. And I'm not going
17 to comment on myself, but I think Mark has -
18 I'll turn it over to Mark Bradley and the
19 program.

20 MR. BRADLEY: We changed our mind.
21 You can't go.

22 (Laughter)

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1 MR. BRADLEY: Someone got up the
2 other - I don't remember who the commenter
3 was. I think it was the lady that commented
4 a couple of times that she was a consumer, a
5 real consumer coming to these meetings and
6 throwing herself amongst the midst of all the
7 activities and seeing what was going on. And
8 there were on numerous occasions her and
9 others, there's this awe that was cast upon
10 the Board that you guys are the leaders of
11 the organic world. This is - and it's true.

12 The level of responsibility that has been
13 placed on you and accepted by the Board
14 members and the level of commitment for five
15 years. Five years. You know what happens in
16 five years? We have presidents that don't
17 last that long. We have changes of
18 administration. I mean, who appointed you,
19 Kevin? Was that Veneman still?

20 MR. O'RELL: Yes, it was Veneman.

21 MR. BRADLEY: So it was, things
22 have changed and you have been tasked with

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1 adapting your responsibilities and your
2 recommendations and your research to the
3 prevailing political and economic and
4 production climate. It's been a daunting
5 task for the three folks that are leaving,
6 Mike and Kevin and Nancy. The level of
7 commitment, and I'm glad to see that the
8 industry and the consuming public appreciates
9 what you have done and places you in such
10 high esteem. Because in five years, you
11 know, you can go from having no children to
12 toddlers and children in preschool and you
13 can go from no grandchildren. You've given
14 up parts of your lives in five years,
15 sacrificed your careers.

16 (Laughter)

17 MR. BRADLEY: I didn't mean it
18 like you've given up your careers. Well
19 there's no way to back out of that one, is
20 there? But given of your professional time
21 and your personal time. So I want to thank
22 you, the three of you in particular that are

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1 finishing up your stints or however you want
2 to view those. I'm not going to ask you if
3 you would do it over. If you had the chance
4 to do it over again if you would, because we
5 have prospective nominees for this position
6 in the audience. And I really don't want to
7 dissuade them by saying too much negative
8 about what's gone on, but I know there have
9 been a lot of choices made.

10 Nancy and Kevin and Mike, I know
11 there have been instances where you have not
12 been able to make it to meetings because you
13 had to make tough choices, and I really want
14 to thank you for the times where you did
15 choose to work for the NOSB. And the public
16 service I know is a privilege and a
17 responsibility, but there's a lot to be
18 gained I hope for you of the time that you've
19 sacrificed, the professional notoriety that
20 you've gained and earned, the respect that
21 you've provided or earned from the organic
22 community and from the program. We will be

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1 tapping your brains. I think there's a lot
2 to be said to the amount of asking that we're
3 still going to come to you with as far as for
4 your help, for your guidance, your continued
5 support. Old Board members, you know, don't
6 go away. And we hope you don't, in
7 particular. And we don't want you to either.

8 But is there anything that you would like to
9 offer as far as comments? We have of course
10 our tokens of appreciation that are something
11 you can hang on your wall and be proud of and
12 take pictures of and put on your websites and
13 show to your grandkids and possibly use to
14 explain why you have been gone from their
15 lives so much. It's not much, but it's
16 something that we would like you to have.
17 That would be a good idea, if you all would
18 come up. Let's add some structure to this.
19 Let's just let Dennis choreograph this.

20 The conscription here says -
21 conscription, that's like inscription. It's
22 a certificate of appreciation from the U.S.

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1 Department of Agriculture presented to Kevin
2 O'Rell and Michael Lacy and Nancy Ostiguy for
3 five years of dedicated service as a member
4 of the USDA's National Organic Standards
5 Board from 2002 to 2007. So this is the
6 class of 2007.

7 (Applause)

8 MR. BRADLEY: Thank you guys.

9 MR. O'RELL: Mark, on a personal
10 note I thank you very much. It's certainly
11 been a privilege and an honor for me to serve
12 on this Board. It's been quite an experience
13 and five years as you say is a lot of time.
14 It was one hell of a learning process as well
15 and I know that for the new Board members I
16 would say that, you know, that first year
17 it's tough. But I've got to look around this
18 room and say that I'm really pleased with the
19 contribution that the freshman class has
20 contributed to this Board. I'd also like to
21 on a personal note certainly thank Mike and
22 thank Nancy for serving together for the 5-

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1 year period of time. We're the three left of
2 the five that started and we made it to
3 graduation. And it is a lot of work and
4 effort that both of you have put in and
5 contributed, and I appreciate that very much.

6 It's been an honor to serve with both of
7 you.

8 It's also for me been great to
9 serve with some of the Board members that are
10 in the audience that I was privileged to be
11 on the Board with them. So you've got
12 current members and you've got past members
13 at the same time. It's kind of an exclusive
14 club, but I think there's a bond that really
15 forms with Board members and as you exit the
16 Board, you're not really gone. I mean,
17 hopefully you're still involved in the
18 organic community and people will seek your
19 input and you can still make a contribution.

20 So I thank all of you.

21 MS. OSTIGUY: I also want to just
22 say a couple of words. I've very much

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1 enjoyed the time on the Board. Yes, there
2 were some interesting experiences. I'm
3 interested to hear how Kevin described that
4 first year because it reminds me of the same
5 thing that people say when they begin
6 teaching. The first year is overwhelming.
7 After that, it's okay. And actually, the
8 learning process was incredibly enjoyable.
9 It was very, very interesting. Always
10 interesting to hear someone else's point of
11 view and many of times be persuaded. Working
12 with the NOP has been wonderful. A group of
13 people that know how to shepherd things
14 through the federal process which many of us
15 don't have experience with and it's been a
16 great partnership. Thank you, everybody.

17 (Applause)

18 MR. LACY: Kevin, I will be very
19 brief. It has been, as Nancy and you both
20 have said so eloquently, it has been an honor
21 and a privilege to serve on this Board,
22 especially with the people on this Board, and

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1 I appreciate very much the friendships that I
2 have gained and the knowledge that I have
3 gained and the opportunity to be a part of
4 this very dedicated and very committed group
5 of people. Thank you.

6 MR. O'RELL: Thank you.

7 (Applause)

8 MR. O'RELL: Okay and with that I
9 think we'll move on to election of officers.

10 I know we want to kind of keep on track
11 because I know some people have made plane
12 reservations based on us adjourning on time
13 at 12:30 so we want to kind of stick with it
14 if Board members are okay with that. So we
15 will start with there are three offices that
16 we will hold elections for, the Chair, the
17 Vice Chair and the Secretary. And let's
18 start with the Chair position. We'll
19 entertain any nominations to the floor for
20 the position of Chair.

21 MR. KARREMAN: I'd like to
22 nominate Andrea Caroe for Chair of the NOSB.

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1 MS. WEISMAN: Second. Oh, we
2 don't have to do that, do we?

3 MR. O'RELL: Technically we don't
4 have to second the nomination, but that's
5 good to know there's support. Andrea, do you
6 accept the nomination?

7 MS. CAROE: I accept the
8 nomination.

9 MR. O'RELL: Are there any
10 additional nominations for Chair position?

11 MR. LACY: I move that nominations
12 be closed and that we elect Andrea by
13 acclimation.

14 MR. O'RELL: That we need to
15 second.

16 MR. ENGELBERT: I'll second that.

17 MR. O'RELL: Kevin seconded. We
18 have a motion to close nominations and cast a
19 unanimous ballot for Andrea as Chair. All
20 those in favor, aye?

21 (Chorus of ayes)

22 MR. O'RELL: Opposed?

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1 (Silence)

2 MR. O'RELL: Andrea,
3 congratulations.

4 (Applause)

5 MR. O'RELL: We will go to Vice
6 Chair position and accept nominations for
7 Vice Chair. Do I have any nominations at
8 this time from the floor?

9 MR. MOYER: I nominate Gerald
10 Davis as Vice Chair.

11 MR. O'RELL: We have a nomination
12 for Gerald Davis. Gerald, do you accept the
13 nomination?

14 MR. DAVIS: I accept.

15 MR. O'RELL: Thank you.

16 MR. MOYER: I nominate Julie
17 Weisman.

18 MR. O'RELL: We have a nomination
19 for Julie Weisman. Julie?

20 MS. WEISMAN: I accept.

21 MR. O'RELL: You accept. Are
22 there any other nominations from the floor?

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1 Seeing no additional nominations from the
2 floor we have two nominations, Gerald Davis
3 and Julie Weisman for Vice Chair. So we will
4 have a ballot. We can use these, everybody
5 has them, they're the same size. So what I
6 would ask is that everybody cast a vote and
7 then I would ask the secretary if you would
8 collect and tabulate the results. Do we have
9 to go in a secret room to do this?

10 MR. DELGADO: No chance.

11 MS. CAROE: I feel like Survivor.

12 (Laughter)

13 MR. O'RELL: Okay, the results of
14 the election by the Board is that Julie
15 Weisman has been elected for Vice Chair of
16 the NOSB. Congratulations, Julie.

17 (Applause)

18 MR. O'RELL: And Gerry, let me say
19 there's three more years to go on the Board,
20 so.

21 MR. DAVIS: I'm not worried.

22 MR. O'RELL: Thank you. Thank you

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1 all. Now the next position is Secretary.

2 Are there any nominations for Secretary?

3 Yes, Andrea?

4 MS. CAROE: I would like to
5 nominate Bea James for the position of
6 Secretary?

7 MR. O'RELL: Bea, will you accept
8 the nomination? Bea accepts the nomination.

9 Are there any additional nominations for
10 Secretary?

11 MR. LACY: I would move that
12 nominations be closed and that we elect Bea
13 by acclimation.

14 MS. WEISMAN: Second.

15 MR. O'RELL: It has been moved and
16 seconded that nominations be closed and that
17 we vote to unanimously accept Bea for the
18 position of Secretary. All those in favor?

19 (Chorus of ayes)

20 MR. O'RELL: Opposed?

21 (Silence)

22 MR. O'RELL: Bea, congratulations,

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1 another year.

2 (Applause)

3 MR. SMILLIE: Sisterhood.

4 MS. CAROE: Charlie's Angels.

5 (Laughter)

6 MR. O'RELL: Oh, other business
7 and closing comments. Before we go around
8 and have closing comments I will ask is there
9 any other business that needs to be addressed
10 by any Board members?

11 MS. CAROE: We have two items.
12 One we have to address committee chairs.

13 MR. O'RELL: Thank you.

14 MS. CAROE: And then the other
15 thing that we have to address is scheduling
16 the next meeting.

17 MR. O'RELL: Okay, committee
18 chairs.

19 MS. CAROE: In taking on the role
20 of Chair of this Board, I am going to step
21 down from Chair of the CAC and I have asked
22 Joe Smillie to take on that role as Chair of

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1 CAC.

2 MR. SMILLIE: I don't recall being
3 asked.

4 (Laughter)

5 MR. SMILLIE: But accepted.

6 MR. O'RELL: Accepted, okay.

7 MS. CAROE: And the other position
8 that has come open with the leaving of
9 Michael as Chair of the Livestock Committee,
10 it leaves vacancy in that committee for a
11 Chair. And I have asked Hue to take on that
12 role as Chair of the Livestock Committee.

13 MR. KARREMAN: Happy to and I
14 would also like to ask if Kevin Engelbert
15 could be my Vice Chair.

16 MR. ENGELBERT: Yes.

17 MR. KARREMAN: Done deal.

18 MS. CAROE: And then all remaining
19 Chairs will stay the same at this time.
20 Committees will remains as are listed at this
21 time pending the new members in the next
22 couple of months and we'll look at the

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1 staffing of each of the committees and
2 possibly make adjustments at that time.

3 MR. O'RELL: Okay. Thank you,
4 Andrea. In terms of setting a meeting date
5 for the next meeting, and I know that we have
6 tried both ways where we all get our
7 calendars out and wrestle back and forth and
8 get nowhere in terms of when the next meeting
9 date is. In the past, the program has sent a
10 calendar of available dates or asking for
11 people's availability and then they compare
12 that master calendar and try to come back
13 with the recommendations on the Executive
14 Committee that we will take care of for the
15 next meeting. I would entertain discussion,
16 though, in terms of timing for the next
17 meeting. Andrea?

18 MS. CAROE: Well, I would like to
19 pose a question to the program. We have
20 requested two meetings this coming spring to
21 accommodate the numerous materials we have
22 for 606 in order to get those materials dealt

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1 with prior to the June `07 deadline. And I
2 just again want to check and see if there's
3 any possibility of accommodating perhaps a
4 February and an April meeting for 2007.

5 MR. BRADLEY: We have discussed
6 this. This is Mark Bradley. There are
7 several options that we can take as far as
8 making sure that we have enough Board time to
9 process the petitions and get them worked
10 through the system in a timely manner.
11 February is a possibility either as a work
12 session or a full Board meeting. A closed
13 work session, there's options there. The
14 April Board meeting was set up for somewhere
15 on the West Coast to get out of D.C. in
16 April.

17 MS. CAROE: That's the west coast
18 of Hawaii?

19 (Laughter)

20 MR. BRADLEY: So those are the two
21 dates that we had considered. And yes, we
22 think that you're probably going to need to

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1 have a February at least work session or
2 Board meeting.

3 MR. O'RELL: I think I would
4 prefer, and I won't be here, but as opposed
5 to a work session I really think it needs to
6 be a meeting because they need to move
7 materials forward in terms of the public to
8 vote. So that would be my outgoing two
9 cents.

10 MR. BRADLEY: Well, we may - in
11 order to expedite things, you know, to take
12 advantage of the historical knowledge that
13 you and some of the other Board members may
14 have that are outgoing, we would invite you
15 back possibly. But we can work on that on a
16 case-by-case basis.

17 MR. O'RELL: Sure.

18 MR. BRADLEY: If you would
19 volunteer for that.

20 MR. O'RELL: I would absolutely.

21 MR. BRADLEY: Just as we often
22 have Kim Dietz for her historical information

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1 with all our materials. If that's possible.

2 But we can discuss that.

3 MR. O'RELL: Yes, absolutely. I'd
4 be open to that.

5 MS. CAROE: So can we schedule a
6 meeting at this time or are we going to just
7 do this by email?

8 MR. O'RELL: Well, I think it's
9 probably easier to do it by email to send out
10 some dates of a calendar from the program and
11 then have people fill in only the times that
12 they're restricted that they cannot do it.
13 In the past that has worked and then the
14 program will tabulate that and will get back.

15 And even then we know we'll have some
16 conflicts but maybe things can move around.
17 Yes, Kevin?

18 MR. ENGELBERT: It's not a
19 conflict and I can't speak for the other
20 producers and I realize the time constraints
21 if we have two meetings how far apart they
22 have to be. But as a producer, April

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1 meetings are extremely difficult for me. I
2 never caught up last year from the April
3 pasture symposium. So even early April makes
4 a difference as opposed to middle or late
5 April for me.

6 MS. CAROE: Is early April good or
7 bad?

8 MR. ENGELBERT: Better. The
9 earlier the better, yes.

10 MR. O'RELL: Any other comments on
11 scheduling for the next meeting?

12 MR. ENGELBERT: But again, I'm
13 just one person, I don't expect everything to
14 change, I just, you know, I will make a
15 meeting whenever it's scheduled, but as
16 everybody looks at their own schedules, that
17 is certainly more accommodating for me as a
18 producer because I have a limited amount of
19 time that I can, you know, get my spring work
20 done.

21 MR. O'RELL: Yes, I don't know
22 holidays as well, that's why I think it's

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1 just best if we get a calendar sent out from
2 the program. And let's be sure to list
3 holidays on that program because sometimes
4 it comes and they're not listed. I tend to
5 overlook that and get in trouble. So it
6 would be nice if those are spelled out, then
7 people can put - and I would encourage this
8 to be done quickly, Mark, so that we can get
9 it out while it's fresh and everybody would
10 look at it and respond. By the next
11 Executive Committee meeting which Andrea will
12 be leading then I think it would be
13 appropriate to have a discussion then and fix
14 these dates so that we could work forward.

15 MS. BENHAM: It's also important
16 because I would need to try to locate a
17 hotel.

18 MR. O'RELL: Yes. Say your name
19 for the record.

20 MS. BENHAM: Katherine Benham. I
21 was saying that it is also important because
22 I will need - I mean, that you guys just kind

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1 of like really concentrate on getting that
2 calendar back to Valerie. Just get the
3 information back to her, particularly because
4 I would need to locate a hotel and, you know,
5 try to make sure that you guys, you know,
6 have somewhat a nice hotel. So.

7 MR. O'RELL: There's a request for one
8 with wireless in the meeting room.

9 MS. BENHAM: Yes, yes. And you
10 know if you're going to schedule something in
11 D.C. it can be very difficult, so.

12 MR. O'RELL: Yes. Thank you,
13 Katherine. Any other business before we go
14 to closing comments? Andrea?

15 MS. CAROE: I don't have anything.

16 MR. O'RELL: Well, we're going to
17 end on time, even early, which is good.

18 MS. CAROE: I guess the one
19 comment is this is like the first meeting
20 where at the end of the meeting we still have
21 more audience than we do Board members which
22 is, you know.

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1 (Laughter)

2 MS. CAROE: Usually we have like
3 three people sitting out there at this time.

4 MR. O'RELL: That's true. Yes,
5 Katherine.

6 MS. BENHAM: I'm sorry, I've got
7 one more thing too. Make sure I get your
8 travel expenses back.

9 MR. O'RELL: Thank you. If you
10 want your money, be sure to get your expenses
11 in to Katherine. I guess I would just like
12 to say, you know, once again it's for me my
13 last official meeting in the capacity of a
14 Board member and I'd like to thank this Board
15 and past Boards that I served on for all of
16 your help and guidance. It's been a very
17 good time for me. I've enjoyed it and I've
18 learned a lot.

19 I'd like to thank the public for
20 this meeting in terms of their thoughtful
21 comments. We had a lot of good comments
22 during the comment period. I think you

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1 should be commended. The comments were
2 focused on our agenda which is really a good
3 thing because it helps us and you can see the
4 effect that the public comments have on the
5 deliberation and the change in going forth
6 with the recommendations from committees to
7 full Board vote. So we want to encourage
8 that in the future, the participation from
9 the public.

10 I also want to say that I saw a
11 very good sense of collaboration in a lot of
12 the issues that were discussed at this
13 meeting, collaboration with the NOP both
14 beforehand in bringing recommendations to the
15 floor during the meeting and collaboration
16 with the public in terms of hearing input and
17 working adjustments according to that input
18 which has been good. There's a lot of
19 work ahead on 606. We know that's a real
20 issue. We know that's a priority. I just
21 wanted to let the public know with the sunset
22 of colors we recognize what needs to be done

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1 and this Board, the Handling Committee and
2 the officers going forward will take this
3 task on as a huge priority in working with
4 the program as well in any way we can
5 expedite any processes to get through so that
6 we don't leave any materials left hanging.

7 I'd like to thank the NOP for all
8 of their assistance during the meeting,
9 Valerie for your almost one year I think now
10 of service and thank you very much. I think
11 that's been a real help to the Board in terms
12 of having Valerie in the Executive Director
13 position as a liaison to the program and
14 assisting us with minutes and scheduling.
15 Very helpful. And I know that that's a role
16 that's evolving and future Boards will get
17 better at using the collaboration and working
18 with you through that process. So I only see
19 that as a very positive. Katherine, thank
20 you so much for all the arrangements that
21 you've made. I know there's a lot of work
22 that goes in behind the scenes in pulling

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1 this together so that we can have this
2 meeting. And I'd like to thank Mark and Bob,
3 Arthur and Barbara in absentia. But we thank
4 the full program for your comments and
5 staying with the meeting and helping us
6 through and working with the Board and the
7 public. Before I ask if the NOP has any
8 closing comments, any other Board members
9 have anything to say in closing?

10 MR. LACY: Kevin, on behalf of the
11 outgoing class I want to thank you very much
12 for your very able leadership. Appreciate it
13 very much.

14 MR. O'RELL: Thank you, Mike, I
15 appreciate that. Mark, do you have any
16 comments you'd like to make in closing? I'm
17 sorry, Dan?

18 MR. GIACOMINI: At the April
19 meeting we did get a Board photograph but it
20 was missing two of the members. I would like
21 to ask the Board if we could stay around for
22 a few more minutes after and get a complete

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1 photograph of the entire Board.

2 MR. O'RELL: That would be great.

3 We'll do - I think everybody can accommodate
4 that. Who's going to take the picture?
5 Where's Dennis?

6 MR. GIACOMINI: He left. I mean,
7 even if it's just - we'll get something and
8 I'll get them out to everybody on email.

9 MR. O'RELL: Okay. Thank you.
10 Mark?

11 MR. BRADLEY: Yes, thanks. This
12 finishes up one year with me as the Associate
13 Deputy Administrator. And I just wanted to
14 thank Kevin in particular for - he came into
15 D.C. and we put our heads together for, you
16 know, to try to plot and plan this past year
17 back in January.

18 MR. O'RELL: Yes.

19 MR. BRADLEY: Came in, spent a
20 whole day, worked through lunch and that seed
21 of collaboration has just carried throughout
22 this whole year. And the Board has been very

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1 free with contacting Valerie. She came along
2 about the same time. And it has been a very
3 enjoyable experience. I'm very excited that
4 Andrea is going to be, you know, following in
5 Kevin's footsteps, or I don't know who's been
6 leading who, but you two have worked very
7 well as a team for the past year and I don't
8 see any disruption in the flow of work or
9 progress that's been made by the Board
10 happening because of this loss of experience,
11 but you'll be gaining some new experience.
12 So we will work very closely with trying to
13 bring in the new people to preserve the work
14 that you've done to close up some
15 recommendations that have been hanging out
16 there for a long time.

17 And I appreciate the public
18 comment, the frank and candid remarks and
19 recommendations and suggestions and the humor
20 that's been shared with the program. And we
21 take it to heart. Sometimes we don't - we
22 don't necessarily take it personally, but we

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1 do listen and it's very much appreciated.
2 And if you'll stick around we'll try to get a
3 calendar to you before you get home. And if
4 anybody has any particular needs that they
5 want to share with Valerie and I about the
6 next meeting we can go ahead and get that
7 process started because we want to get this
8 scheduled, get Kat going on it and get all
9 the arrangements made because, you know,
10 February is not very far off and there's a
11 lot of work to be done. So we'll have a game
12 plan put together. That's all, thank you
13 very much.

14 MR. O'RELL: Thank you very much,
15 Mark. Andrea?

16 MS. CAROE: I just want to take
17 this opportunity to thank Kevin in particular
18 for teaching me so much in this last year
19 about leadership and about leading the Board
20 and his cool head and his good heart have
21 just - it's been inspiring to me. And I also
22 would like to thank for the vote of

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1 confidence. I'm humbled because I work with
2 the most brilliant people on this Board. So
3 I appreciate that and I hope I can live up to
4 that.

5 MR. O'RELL: Thank you, Andrea.
6 And particularly before we close or ask for
7 an adjournment I want to say that I really
8 thank this Board. It's been a great
9 productive year and my officers, Secretary
10 Bea, I'll get hugs later, and Andrea. So.
11 Seeing no other closing comments I will
12 accept a motion for adjourn.

13 MS. WEISMAN: Motion to adjourn.

14 MR. O'RELL: Is it seconded?

15 MR. LACY: I would like to second
16 that.

17 (Laughter)

18 MR. O'RELL: All those in favor?

19 (Chorus of ayes)

20 MR. O'RELL: Meeting adjourned.

21 Thank you.

22 (Applause)

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1 (Whereupon, the foregoing matter
2 went off the record at 12:04 p.m.)
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